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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

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SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

BRENT OSTER (plaintiff)
 KATHIA OSTER / PORTUGUEZ (involuntary plaintiff)
 vs.
 MORENO FAMILY LAW FIRM
 MARILYN MORENO
 MICHAEL H. MORENO
 KARL NASTROM
 SHELLY O'BRIEN
 LAW FIRM OF J HECTOR MORENO
 J HECTOR MORENO
 JOSEPH TANG
 GOMEZ-EDWARDS LAW GROUP
 LAUREN EDWARDS
 NATALIE GOMEZ
 BERKSHIRE HATHAWAY INC.
 INTERO REAL ESTATE SERVICES
 BRIAN CRANE
 CHRISTOPHER MOLES,
 HEATHER WANG,
 RICK TREVINO,
 DOE INTERO EMPLOYEES 1-10
 SANTA CLARA FAMILY JUSTICE CENTER
 JUDGE JULIE EMEDE,
 TEMP JUDGE SHARON ROPER,
 COUNTY OF SANTA CLARA,
 SOUTH COUNTY CRIMINAL COURT,
 DOE 1-5, CRIMINAL COURT JUDGES,
 SANTA CLARA COUNTY DISTRICT ATTORNEY,
 MICHAEL H. MORENO (acting as DA PROSECUTOR),
 MURAT OZGUR (acting as DA PROSECUTOR),
 DOE 10-19, DA PROSECUTORS,
 (defendants)

CASE NO. 21-CV-05400-NC

FIRST AMENDED COMPLAINT
 18 U.S. CODE § 1961 (RICO) ACT
 RACKETEER INFLUENCED AND CORRUPT
 ORGANIZATIONS ACT

42 U.S. CODE § 1983
 AGENCIES ACTING UNDER COLOR OF LAW
 VIOLATION OF CIVIL RIGHTS
 VIOLATION OF CONSTITUTIONAL RIGHTS
 2ND, 4TH, 6TH, 8TH, 14TH AMENDMENT

42 USC § 12132
 DISCRIMINATION

MOTION FOR CHANGE OF VENUE
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT 18 U.S. CODE § 1961 (RICO) ACT RACKETEER INFLUENCED AND
 CORRUPT ORGANIZATIONS ACT 42 U.S. CODE § 1983 - 1

File By Fax

INTRODUCTION

1. Plaintiff Brent Oster asks the court to allow him to amend his complaint, Case No. 21-CV-05400-NC under Rule 15. Amended and Supplemental Pleadings. It has been more than 21 days since it was served on the defendants under Rule 15(a)(1) on July 14, but no Defendants have yet responded, so Plaintiff asks the court's permission to amend under Rule 15(a)(2). There has been significant new evidence that has been discovered by Plaintiff that backs his existing claims and is the basis for new claims.

2. Plaintiff Brent Oster, on behalf of himself and involuntary Plaintiff Kathia Oster/Portuguez, is suing the defendant persons for violations of 18 U.S. CODE § 1961 - Racketeer Influenced and Corrupt Organizations (RICO) Act under 1962(c) and (d). Both Plaintiffs - Brent Oster and Kathia Oster / Portuguez are persons who sustained injury to their property by reason of the criminal acts that the defendant persons committed (and/or conspired to commit) in a pattern of racketeering, including the predicate crimes of Extortion, Tampering/Interfering with a Witness, Retaliation against a Witness or Victim, Money Laundering, and/or colluding and conspiring with the other persons operating the Enterprise committing these crimes in a pattern of Racketeering. In violation U.S. CODE § 1962(c)&(d), the defendant persons have operated (and/or conspired with persons operating) an Enterprise engaged in a pattern of racketeering activity against multiple parties in addition to themselves (Exhibits A-A, D, E, F) in violation of State and Federal criminal laws over a substantial period of time.

3. Plaintiff, Brent Oster (on behalf of himself and involuntary plaintiff Kathia Oster/Portuguez) is suing select Defendants persons and Agencies working for the State of California and County of Santa Clara under the

1 jurisdiction of US District Court, 42 U.S. Code §1983 for the wrongful
2 actions of the agencies and persons acting under their direction, under the
3 color of law, for deprivation of their rights, privileges, or immunities
4 secured by the United States Constitution and laws, and where these
5 individuals conspired with the persons operating the Racketeering Enterprise.

6
7 4. Plaintiff Brent Oster is suing the defendant parties for violations of
8 42 USC § 12132 - Americans with Disabilities Act for discrimination against
9 him as a person with a recognized disability and by specific parties
10 misconstruing his disability to bring wrongful and malicious prosecution
11 against him. As well they used his disability to discredit his lawful
12 pleadings and statements, denying him equal protection of the laws, and
13 denying him Municipal, County, and State services for the victim of a crime.
14 They did not prosecute his reports of crimes against him by the defendant
15 parties instead dismissing them just because he has a protected disability
16 and is Bipolar.

17
18 5. From 2017 to present, Plaintiffs have been victims of crimes conducted
19 in a racketeering pattern by the defendant persons, with Plaintiffs injured
20 in their property by this conduct constituting the violations. The
21 plaintiff's injuries flow from the commission of the predicate acts, as they
22 were defrauded of property by Extortion while in a divorce proceeding (Case#
23 17FL003843) by the Moreno Attorneys (Exhibit A) (and the other defendants -
24 Exhibit B, C), who in the racketeering pattern willfully and knowingly
25 committed crimes of Fraud, Extortion, Tampering/Interfering with a Witness,
26 Retaliation against a Witness or Victim, Money Laundering, and/or colluding
27 and conspiring with the other persons operating the Enterprise to so defraud
28 by Extortion Plaintiffs of a \$1.3M house, \$360,000 in retirement, and other

1 property. The Moreno Attorneys have shown a pattern of such racketeering
2 activity for decades (Exhibit A-A, Exhibit D, E, F), acting in conspiracy
3 with the defendant agencies and persons, who by their actions or omissions
4 aided and abetted in these criminal acts, constituting violations of 18 U.S.
5 Code § 1962(d).

6
7 6. Individual defendants working at State and County agencies (acting
8 under the color of law) also deprived plaintiff of his rights, privileges and
9 immunities secured by the Constitution and Laws of the United States of
10 America in violation of 42 U.S. Code §1983 and, and by their willful actions
11 or omissions, conspired with the operators of the racketeering Enterprise by
12 so doing, committing violations of 18 U.S. Code § 1962 (d) by said State and
13 County employees.

14
15 7. The defendants wrongful and malicious actions caused \$10M in actual
16 damages to plaintiff and his (now ex) wife, Kathia Oster/Portuguez, including
17 loss (and loss of use) of \$2M+ in assets, loss of present and future income
18 (and earning capacity), exacerbation of existing medical conditions, and
19 ongoing emotional pain and suffering, among other damages. The damages
20 specifically resulted from the defendant persons wrongfully forcing the sale
21 of a \$1.3M Gilroy home with orders obtained by Extortion, purchased solely by
22 Brent Oster in 2015, which Plaintiff (Kathia Oster) legally had no stake in
23 by a lawful division of assets at the time of divorce.

24
25 8. The defendant parties unlawfully took the home from Plaintiffs by
26 extortion and fraud and sold it by fraud, concealing the buyer from
27 Plaintiff, concealing from the buyer and sellers issues that could adversely
28 affect the sale, and the terms of the sale, as well as concealing the

1 financial transactions. There should have been a \$500,000 net from the sale,
2 but the defendant persons laundered the proceeds through an intermediary to
3 have the funds disbursed according to the decisions of the operators and
4 managers of the Racketeering Enterprise, with none given to the owner
5 Plaintiff (Brent Oster), and less than \$50,000 given to Plaintiff (Kathia
6 Oster).

7
8 9. None of the parties involved, including Intero have been willing to
9 send any documents to plaintiff regarding the transactions and disbursement
10 of funds from the sale of the home he purchased with his sole property funds
11 in 2015. The defendants concealed the sale itself, deceiving Plaintiff (Brent
12 Oster) that the home had been sold to a couple on 25 Aug, 2020, when it was
13 not. The home is now owned by a David J Tindall who closed the sale of the
14 house 15 Oct 2020, and Closed Escrow 22 Oct 2020, which was completely
15 concealed from plaintiff. This has been reported to the California DRE
16 (Exhibit M).

17
18 10. The operators of the racketeering Enterprise fraudulently justify this
19 concealment of the disbursement of funds to themselves by falsely claiming
20 the \$450,000 that should have gone to plaintiffs as going to the defendants
21 "professional and other fees" that were only incurred because of their
22 criminal acts, and not from acting in any professional capacity. As well, the
23 Plaintiffs lost \$360,000 in retirement funds (at 2017 valuation, \$2.4M in
24 2021 valuation), they lost their jobs, and had no income or ability to work -
25 due to the disruption of their lives and expenses caused by the criminal acts
26 done in a pattern of racketeering from 2017-2020.

1 11. By 18 U.S. Code § 1962(c) all of the named defendant parties who were
2 persons willfully involved in the operation and/or management of the
3 racketeering Enterprise and/or willfully committed predicate crimes are
4 liable to the plaintiffs.

5
6 12. By 18 U.S. Code § 1962(d) all of the named defendant parties who were
7 persons that willfully and knowingly conspired with the operators and
8 management of the racketeering Enterprise are liable to the plaintiffs.

9
10 13. Additionally, by 42 U.S. Code §1983 the named parties acting on behalf
11 of the State of California, the County of Santa Clara, and municipalities,
12 acting under the color of law, are liable to the plaintiffs for their
13 violations of Constitutional Rights and by 18 U.S. Code § 1962(d) for their
14 actions and omissions in conspiracy with the persons operating the Enterprise
15 in their criminal acts by so doing.

16
17 14. The agencies acting under the color of law also had a failure to
18 intervene against the criminal activities of the defendant individuals and
19 parties. By so doing they willfully allowed harm to come to plaintiffs.
20 Specific parties are noted in the complaint that violated 42 USC § 12132,
21 with their discrimination causing and exacerbating the damages in the
22 complaint. In fact, by conspiring with the other defendants to misrepresent
23 his disability and falsely create a hoax that Plaintiff (Brent Oster) posed
24 an extreme danger to Plaintiff (Kathia Oster) (Exhibit A, Exhibit L), they
25 were acting in conspiracy with the other defendants to violate 18 U.S. CODE §
26 1512 (a) (1) **Whoever kills or attempts to kill another person,...** to tamper with
27 a witness - in this case attempting to do so by inducing authorities to
28 wrongfully use excessive force or cause a negligent shooting.

1
2 15. The goal of the activities of all the persons involved in this
3 racketeering Enterprise was solely to defraud by Extortion both plaintiffs of
4 as much money and property as possible, for the mutual benefit of the persons
5 operating the Enterprise, and to launder and distribute those funds amongst
6 themselves, concealing that process by legal and or illegal intermediaries.
7 None of them were acting in a professional capacity and their privileges and
8 immunities are voided.

9
10 **JURISTITION**

11 16. This action arises under 18 U.S. CODE § 1961 (RICO), 42 U.S. CODE §
12 1983 (Violation of Civil and Constitutional Rights), and 42 USC § 12132
13 (Discrimination). A substantial part of the events that are the reason for
14 this complaint - including the acts and omissions of most of the defendants,
15 occurred in the State of California, Santa Clara County, and in the City of
16 San Jose, or City of Gilroy.

17
18 Because Plaintiff and his Counsel are now located in Southern California, and
19 the defendants have too much influence in the Northern California court
20 system, plaintiff Motions for a Change of Venue to US District Court,
21 Southern California as per 28 U.S. Code § 1404 - Change of Venue:

- 22
23 a) For the convenience of parties and witnesses, in the interest of
24 justice, a district court may transfer any civil action to any other
25 district or division where it might have been brought or to any
26 district or division to which all parties have consented.

1 b) Upon motion, consent or stipulation of all parties, any action, suit or
2 proceeding of a civil nature or any motion or hearing thereof, may be
3 transferred, in the discretion of the court, from the division in which
4 pending to any other division in the same district. Transfer of
5 proceedings in rem brought by or on behalf of the United States may be
6 transferred under this section without the consent of the United States
7 where all other parties request transfer.

8
9 c) A district court may order any civil action to be tried at any place
10 within the division in which it is pending.

11
12 **PARTIES**

13 17. Plaintiff herein, Plaintiff Brent Oster, "Plaintiff (Brent Oster)" is a
14 citizen of the United States, living in Torrance, CA. Plaintiff (Brent Oster)
15 Oster is a qualified individual with a recognized disability pursuant to 42
16 United States Code, Section 12132.

17
18 18. Involuntary Plaintiff herein, KATHIA OSTER (PORTUGUEZ) or ("KATHIA"),
19 is a citizen of the United States, living in Santa Clara County, KATHIA is a
20 qualified individual with a recognized disability pursuant to 42 United
21 States Code, Section 12132. She is listed as an involuntary plaintiff in this
22 action because she was also a victim of the wrongful actions of the
23 defendants, and because complete relief of the damages to either of the
24 plaintiffs cannot be obtained without her inclusion. She has been released
25 from all civil liability in these matters by Plaintiff (Brent Oster) vacating
26 a Santa Clara County civil complaint against her with prejudice and releasing
27 all claims against her and only her, and from any criminal acts by statute of
28 limitations.

1
2 19. Defendant County of Santa Clara ("COUNTY") is a municipal corporation,
3 duly organized and existing under the laws of the State of California. Under
4 its authority, the County operates the Santa Clara District Attorney's Office
5 and Santa Clara County Office of the Sherriff, and co-administers the Santa
6 Clara Superior Courts, Santa Clara Family Courts, and Santa Clara Criminal
7 Courts co-administered with the State. All these are named as defendant
8 parties under 42 USC 1983.

9
10 20. Defendant Santa Clara Family Justice Center employs (or employed) Beth
11 McGowan, Judge Julie Emede, Judge Thomas Kuhnle, and Temp Judge Sharon Roper,
12 all of which participated in plaintiff's divorce case (17FL003843). Only
13 Judge Julie Emede and Pro-Tem Real Estate Judge Sharon Roper are explicitly
14 named as defendants, for acting outside of their official capacities. They
15 were sued in (5:20-CV-07828-NC) for constitutional rights violations, but NOT
16 for RICO violations. Plaintiff would like to joinder that action (5:20-CV-
17 07828-NC) into this one, dropping claims against all state agencies and
18 employees except these two - Judge Julie Emede and Pro-Tem Real Estate Judge
19 Sharon Roper, and only citing the State agencies for failure to intervene.

20
21 21. Defendant Judge Julie Emede is a judge in the Santa Clara Family Court,
22 who conspired with the other members of the Enterprise.

23
24 22. Temp Real-Estate Judge Sharon Roper is named as a defendant person
25 operating the Enterprise, was also person conspiring with the persons
26 operating the Enterprise acted outside her professional authority to do so.

1 23. Defendant District Attorney Office of Santa Clara participated in the
2 malicious prosecution of Plaintiff and were sued in (3:20-CV-01125-JD).
3 Plaintiff would like to joinder any remaining claims, as well as (5:20-CV-
4 07828-NC) into this one, as the defendant individuals, events, and claims
5 listed in those complaint are a sub-set of this action, and their inclusion
6 is necessary in this action because of the central role of the Santa Clara DA
7 Office in these events.

8
9 24. At times mentioned herein, Defendant Murat Ozgur and Michael Moreno
10 were employed by defendant COUNTY as a District Attorney Prosecutors for the
11 COUNTY. They are being sued in their official capacity as District Attorney
12 Prosecutors for the COUNTY for Constitutional Right violations under 42 U.S.
13 CODE § 1983, as well as Michael Moreno being sued for criminal actions
14 outside his official capacity under 18 U.S. CODE § 1962 (c) and (d).

15
16 25. Additional Parties DOES 10-19, employed by defendant COUNTY as
17 employees of DA OFFICE for COUNTY, not yet identified, also acted against
18 plaintiff. Plaintiff, 3 years after he was charged, still has not been
19 informed of the nature and cause of the accusation; nor to be confronted with
20 the witnesses against him and does not know exactly who at the DA office was
21 actually involved in his case and prosecution. His requests for such
22 information have been unanswered, especially regarding Michael Moreno's
23 participation in prosecuting Plaintiff.

24
25 26. The Law Firm of Marilyn Moreno, consisting of Marilyn Moreno (manager),
26 Shelley O'Brien, and Karl Nastrom - were all culpable persons managing the
27 Enterprise, and committing predicate crimes. Marilyn is the leader of the
28 Enterprise.

1
2 27. The Law Firm of J Hector Moreno, consisting of J Hector Moreno and
3 Joseph Tang, were all culpable persons managing the Enterprise, and
4 committing predicate crimes.

5
6 28. Michael Moreno, a Santa Clara DA prosecutor in the Family Violence
7 Unit, and son/nephew of Hector and Marilyn Moreno, was a culpable person
8 operating and conspiring with the Enterprise and committing predicate crimes
9 outside of his official capacity.

10
11 29. Gomez Edwards Law Group, comprised of partners Lauren Edwards and
12 Natalie Gomez and their respective law firm, Gomez-Edwards were all culpable
13 persons operating the Enterprise, and committing predicate crimes. They were
14 subcontracted by Marilyn Moreno and conspired and colluded with her to commit
15 predicate crimes.

16
17 30. These attorney parties in 19-21 will all be referred to collectively as
18 "Moreno Attorneys", and also referred to as individual law firms and as
19 individuals where required.

20
21 31. Rick Trevino, and Intero Real Estate Services (wholly owned by
22 Berkshire Hathaway), and his corporate governance (Christopher Moles, Brian
23 Crane) and corporate counsel (Heather Wang) are all culpable persons engaged
24 in and operating the Enterprise and all participated directly in predicate
25 crimes as well as conspiring to commit crimes with the other operators of the
26 enterprise.

STATEMENT OF FACTS

32. From 2017 to present, the defendants and persons operating the Enterprise committed crimes of Fraud (deceit, concealment, perjury, false reports of crimes, breach of contract/stipulation), Tampering or Interfering with a Witness (18 U.S. CODE § 1512), Retaliation against a Witness or Victim (18 U.S. CODE § 1513), Extortion (18 U.S. CODE § 1951), Money Laundering (18 U.S. CODE § 1956, U.S. CODE § 1957), Racketeering Activity (18 U.S.C. § 1962(c)), and/or Colluding and Conspiring (18 U.S.C. § 1962(d)) with the other persons operating that racketeering Enterprise and conspiring with external parties and together colluding to defraud plaintiffs of over \$2M of property and assets by these crimes, for the financial gain of those operating the Enterprise.

33. In the Exhibits A-A, D, E, F, plaintiff shows this was not an isolated incident, and that the defendant parties have been conspiring with and/or operating this racketeering Enterprise with income derived from a pattern of racketeering activity in violation of state and federal criminal laws over a span of more than 10 years, against multiple parties other than Plaintiffs (Exhibit A-A, Exhibit D, Exhibit E, Exhibit F).

34. Plaintiff was, by the combined actions and omissions of the State and County defendants, from 2017 to present, also denied equal protection of the laws and deprived of liberty and property without due process of law (Fourteenth Amendment), subject to unlawful search and seizure of property without due process (Fourth Amendment), subjected to malicious prosecution and denied the right to a speedy and fair trial, denied the right to face the accusations against him and to face his accusers (Sixth Amendment), subjected

1 to excessive bail and cruel and unusual punishment (Eight Amendment),
2 deprived of his right to bear arms (Second Amendment), deprived of his
3 freedom of speech (First Amendment), and had court judgments made against him
4 in violation of these Constitutional rights and the Supremacy Clause with
5 deliberate indifference by the State and County defendants, who at many times
6 had a reasonable opportunity to intervene to prevent these violations and the
7 crimes by the other defendants and simply refused to do so.

8
9 35. This happened during and surrounding what was being called a divorce
10 proceeding (Case #17FL003843) litigated by malicious opposing counsel. It was
11 not a divorce, it was an official State proceeding in which the Plaintiffs
12 were targeted by persons operating a criminal enterprise specializing in a
13 long-practiced pattern of racketeering activity against persons in divorce
14 proceedings (Exhibits A-A, D, E, F). It was first and foremost Extortion by a
15 RICO racketeering enterprise, as both Plaintiffs were defrauded of their life
16 savings and property by the operators of that enterprise. There was no
17 attempt at lawful division of property, nor attempt to reach timely
18 settlements that could have benefitted both parties.

19
20 36. Instead, against Plaintiffs, the Moreno Attorneys committed crimes of
21 Fraud (deceit, concealment, perjury, false reports of crimes, breach of
22 contract/stipulation), Tampering or Interfering with a Witness (18 U.S. CODE
23 § 1512), Retaliation against a Witness or Victim (18 U.S. CODE § 1513),
24 Extortion (18 U.S. CODE § 1951), Money Laundering (18 U.S. CODE § 1956,
25 1957), Racketeering Activity (18 U.S.C. § 1962(c)), and/or Colluding and
26 Conspiring (18 U.S.C. § 1962(d)) with the other persons operating that
27 racketeering Enterprise from 2017 to present.

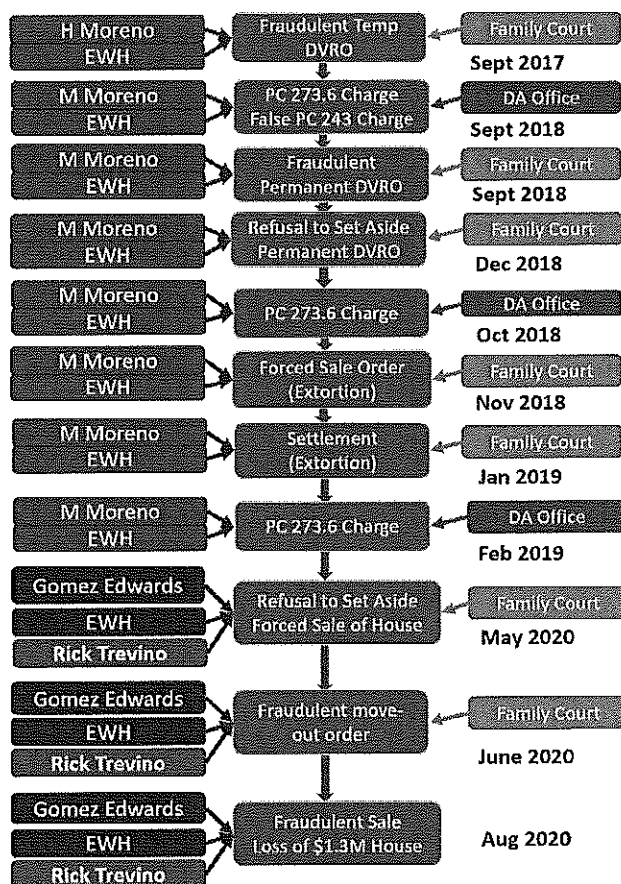
37. As a result of the acts of criminal racketeering operation against both the Petitioner and Respondent (who are the Plaintiffs in this action) during the 'divorce', they both lost all of the community property and Plaintiff (Brent Oster's) sole property assets to the Moreno Attorneys and the other co-operators of the Enterprise - by Fraud and Extortion. In Exhibit A-A, Exhibit D, Exhibit E and Exhibit F it is evidenced that this is a pattern that the defendant persons operating the racketeering Enterprise have followed for at least a decade, committing these crimes against hundreds of individuals.

38. In Exhibit K is a spreadsheet calculation of what a lawful division of assets would be in the Oster's divorce, done by Expert Family/Financial Attorney Dana Kruger in Dec 2017, shortly after separation. Below is the summary. Plaintiff (Kathia Oster) should have taken possession of a San Jose Home, and a portion of the retirement savings. Plaintiff (Brent Oster) should have taken possession of the Gilroy Home (which is evidenced as his sole property in Exhibit H), and a portion of the retirement savings, and paid Kathia 3 years of support.

#	Property Items	Joint			Before Tax		Tax Basis	After Tax	
		FMV	Debt	Equity	Husband (P)	Wife (R)		Husband (P)	Wife (R)
	REALESTATE	2,315,000	936,000	1,379,000	160,000	426,000	0	160,000	426,000
1	3823 Arbuttle Drive, San Jose, CA 95124 (FMV reduced by Kathia's SP \$573,000 Claim)	542,000	116,000	426,000	0	426,000	0	0	426,000
2	1940 Saffron Court, Gilroy, CA 95020 (FMV reduced by \$220,000 for Brent's 2640 Claim)	980,000	820,000	160,000	160,000	0	0	160,000	0
25	Brent's SP \$220,000 FC 2640 Claim in 1940 Saffron Court, Gilroy CA [SEPARATE]	220,000	0	220,000	0	0	0	0	0
26	Kathia's SP \$573,000 FC 2640 Claim in 382 Arbuttle Drive [SEPARATE]	573,000	0	573,000	0	0	0	0	0
Totals:		1,613,989	936,000	677,989	241,806	436,183		241,806	436,183
Equalizing Payments:					97,188 to Husband			97,188 to Husband	

1 39. By this lawful calculation, Brent owed Kathia NOTHING, no offset, no
2 buyout at separation. Kathia owed Brent an offset payment of \$97,188, in lieu
3 of which Brent was willing to reduce the amount of retirement or support he
4 gave her to balance this offset so she did not have to pay him anything. It
5 was a simple divorce.

6
7 40. Instead of this lawful division, the only proceeds that the Plaintiffs
8 (Brent Oster and Kathia Oster) both received from the divorce and home sale
9 process by the end of the proceeding in 2020 was a fraction the above,
10 because of the property losses they sustained due to the criminal
11 racketeering pattern of Extortion and other crimes by the Moreno Attorneys
12 and other operators of the Enterprise, with the outcome being Plaintiff
13 (Brent Oster) 'owing' a \$500,000 offset to Plaintiff (Kathia Oster), that was
14 obtained by the sale of his house, but was, in fact, never paid to her. How
15 did the offset get skewed by \$596,000, and how did all that money disappear?
16 This a racketeering pattern the Moreno Attorneys and their conspirators have
17 followed for over a decade, diagrammed here for plaintiffs' case and in
18 Exhibit C and Exhibit F for multiple other cases that they have followed the
19 same racketeering pattern in.



Lawsuits: 19CV356322 vs Hector, Marilyn Moreno Law Firms
 20CV361372 vs Gomez Edwards Law Group
 20-CV-01125-JD vs Santa Clara County, DA
 19CV361036 vs Intero Realty, Rick Trevino

Proceeds of Forced Sale of Gilroy House in Divorce

Sale Price (current market)	\$1,300,000
Wells Fargo Mortgage Principle	\$798,053
Wells Fargo Mortgage Arrears	\$96,893
Realtor Fees	\$78,000
Fees to ready for Sale, staging	\$20,000
Reinstate and pay for Utilities	\$10,000
Association Dues Arrears	\$2,640
Legal Fees Moreno	\$125,000
Legal Fees Gomez Edwards	\$85,000
Legal Fees Hoover Krepelka	\$50,000
Net from Sale	\$34,414
Nothing Left for Owners!	

41. Compared to a lawful distribution of assets(Exhibit K-1, K-2), where each Plaintiff should have received a separate home worth about \$1.3M, and \$150,000 in retirement funds at 2017 valuation (that TSLA stock would have been worth \$2.4M in 2021), instead only Plaintiff (Kathia Oster) receiving some funds (amount unknown as of this filing) from the sale of the Gilroy home, estimated to be less than \$50,000, which are insufficient to last her for even 6 months of expenses post-divorce. As of this filing she is probably without income and without any savings or money to live on and living in hardship. This massively skewed result and enormous loss of property in what

1 should have been a simple divorce is evidence that the defendants were not
2 acting in their professional capacities as attorneys, realtors, pro-tem
3 judges, DAs, ... but instead committing crimes in a pattern of racketeering,
4 stealing property by Extortion, concealing and laundering the funds, and
5 therefore there is an exception to their professional immunities, and
6 litigation privileges.

7
8 42. The defendant parties, including Intero Real-Estate Services and Gomez
9 Edwards refuse to disclose any documents to Plaintiff (Brent Oster) regarding
10 the actual sale of the house, the transaction from the buyer, any
11 intermediate instruments / accounts / agencies used to hold the funds, and
12 documents showing the decision and process by which the funds were finally
13 disbursed and to whom, and this has been reported to the California
14 Department of Real Estate (Exhibit M). Their actions and withholding of this
15 information from the rightful owner and seller of the house constitutes Fraud
16 and Money Laundering (18 U.S. CODE § 1956, 18 U.S. CODE § 1957).

17
18 43. This entire A-Z pattern of Racketeering by the Defendants - Fraud by
19 filing a DVRO with perjured testimony, then 8 to 11 months later, committing
20 further Fraud - filing false reports of crimes - to get criminal charges
21 against Plaintiff (Brent Oster) right before a settlement hearing in order to
22 place him in fear (Exhibit H, Exhibit F) to then dissuade, interfere, harass,
23 and tamper with him as a witness, and to Extort (Exhibit A, Exhibit D,
24 Exhibit E, Exhibit F) property from him, liquidate it and Laundering the
25 proceeds before distributing monies to the operators of the Enterprise, and
26 concealing all such distributions (Exhibit M) - is a typical pattern for the
27 racketeering activity that Hector and Marilyn Moreno (and the other co-
28

1 operators of the Enterprise) follow in defrauding their opponents in family
2 court, as will be evidenced in the next section.

3
4 44. The only explanation of how these Moreno attorneys were able to do this
5 to Plaintiffs (Brent Oster) (Respondent in Divorce) and KATHIA (Petitioner in
6 Divorce), and to hundreds of other couples over the past decades - and not
7 get caught - is that they are involved in a racketeering Enterprise with the
8 other defendants which is well embedded in state, county, and municipality
9 agencies that consistently, as a policy have a failure to intervene to stop
10 them, and actually conspire with them and aid and abet them in these acts.

11
12 45. This Racketeering Enterprise was an association-in-fact that exhibited
13 the three required characteristics: (1) they had a common or shared purpose
14 among its members (2) had some continuity of structure and personnel and (3)
15 an ascertainable structure distinct from that inherent in the pattern of
16 racketeering. This is detailed below.

17
18 46. The Law Firm of J Hector Moreno, consisting of J Hector Moreno, and
19 Joseph Tang, were all culpable persons managing the Enterprise, and willfully
20 and knowingly committed crimes of Fraud, Perjury, False Reports of Crimes,
21 Tampering or Interfering with a Witness (18 U.S. CODE § 1512), Retaliation
22 against a Witness or Victim (18 U.S. CODE § 1513), Extortion (18 U.S. CODE §
23 1951), Money Laundering (18 U.S. CODE § 1956, 1957), Racketeering Activity
24 (18 U.S.C. § 1962(c)), and/or Colluding and Conspiring (18 U.S.C. § 1962(d))
25 with the other persons operating the Enterprise to commit these crimes, with
26 the purpose being to deprive Plaintiffs of property, for the benefit of the
27 operators of the Racketeering Enterprise.

1 47. Hector Moreno had his client made a false report to Gilroy police and
2 sent them to visit and dissuade plaintiff (Brent Oster) on 13 Sept 2017 by
3 the police entering his home without a warrant (nor invitation, in violation
4 of Plaintiff's 4th Amendment Rights). They entered yelling at Plaintiff
5 (Brent Oster) to sit on his stairs while they held their hands on holstered
6 weapons, ready to draw. They entered unlawfully and used excessive force
7 because Hector Moreno had instructed his client to file a combination of
8 false police reports to them that plaintiff (Brent Oster) was suicidal,
9 bipolar, aggressive, and armed.

10
11 48. This act was a crime of Tampering with a Victim or Witness to prevent
12 Plaintiff from making a truthful police report that his wife, Kathia Oster
13 had battered him 2 Sept 2017, 11 days prior, and ran away from home, and
14 tamper with him reporting Hector Moreno's the RICO crimes to FBI. Because
15 Hector and his attorney advised their client(s) to make false reports to
16 police, they were in violation of the Attorney Rules of Professional Conduct
17 3, Rule 3.1(a)(1), and Rule 3.4(c), committing crimes of aiding and abetting
18 false police reports and acting outside their lawful duties as attorneys, and
19 their litigation privilege is exempted by such conduct.

20
21 49. Hector Moreno then filed a falsified DVRO petition (Exhibit A-G) in the
22 Family Court vs plaintiff (Brent Oster) with similar false and discriminatory
23 claims on 14 Sept 2017 to evict him from his home, put him in fear (for
24 purposes of Extortion) and dissuade him from testifying about Kathia Oster's
25 assault on him on 2 Sept 2017 and testifying to the FBI about these RICO
26 crimes by Hector Moreno - from fear and by physically being dislocated from
27 his only home and the country.

1 50. The Moreno Family Law Firm is led by Marilyn Moreno, the manager of the
2 Enterprise, coordinating the efforts of the rest of the persons in the
3 Enterprise. Her and her employees, Karl Nastrom, Shelley O'Brien, and others
4 were all culpable persons managing the Enterprise, who willfully and
5 knowingly committed crimes of Fraud, Tampering or Interfering with a Witness
6 (18 U.S. CODE § 1512), Retaliation against a Witness or Victim (18 U.S. CODE
7 § 1513), Extortion (18 U.S. CODE § 1951), Money Laundering (18 U.S. CODE §
8 1956, 18 U.S. CODE § 1957), Racketeering Activity (18 U.S.C. § 1962(c)),
9 and/or Colluding and Conspiring (18 U.S.C. § 1962(d)) with the other persons
10 operating the Enterprise to commit crimes aimed at deprive Plaintiffs of
11 property, for the benefit of the operators of the Racketeering Enterprise.

12
13 51. Marilyn Moreno became counsel for plaintiff (Kathia Oster/Portuguez) in
14 March 2018, and immediately coached and assisted Kathia with writing a large,
15 falsified report of crimes that contradicted all previous police reports by
16 plaintiff (Kathia), and reports and evidence by plaintiff (Brent Oster).
17 Kathia's report was submitted to Gilroy PD in April 2018 to tamper with and
18 influence plaintiff as a witness and put him in fear for purposes of later
19 Extortion (18 U.S.C. § 1951).

20
21 52. In a May hearing, Marilyn Extorted ownership of the jointly owned San
22 Jose property from Brent under fear by verbally threatening to make Kathia's
23 DVRO against him permanent, and later defrauded plaintiff of the 100%
24 ownership (promised to him in that hearing) in the Gilroy house, a crime of
25 Extortion (18 U.S.C. § 1951).

26
27 53. When confronted, and reported to State Bar and Police (Exhibit B-A),
28 Marilyn Moreno conspired and colluded with Michael Moreno and their

1 connections at the DA office to bring false charges against plaintiff (Brent)
2 in Sept 2018 for purposes of Retaliation against a witness, and Tampering
3 with a Victim or Witness to prevent him from attending hearings (under fear
4 of arrest), while Plaintiff (Kathia Oster's) attorney, Shelley O'Brien
5 committed perjury in a 17 Sept 2018 hearing (Exhibit A-I) to get the DVRO
6 against plaintiff made permanent - Tampering with a Victim or Witness, and
7 Retaliation against a witness.

8
9 54. These actions interfered with plaintiff reporting these crimes as part
10 of a Racketeering pattern (18 U.S. Code § 1961) to the FBI, and reporting
11 that pattern was a precursor to a predicate crime of Extortion (18 U.S. Code
12 § 1951), so this Tampering and Interference with a witness was a Federal
13 Predicate Crime of (18 U.S. CODE § 1512) and a Federal Predicate Crime of (18
14 U.S. CODE § 1513). Plaintiff (Brent Oster) was only able to get a quick,
15 mailed report of these crimes and the pattern they were following to Gilroy
16 PD (Exhibit B-A), who did nothing, not knowing how to prosecute a criminal
17 pattern of racketeering. Because of this interference, tampering, harassment,
18 and retaliation by Hector and Marilyn Moreno and their subcontractors and
19 employees, it would be 2020 before Plaintiff could file Federal Civil
20 Complaints regarding these crimes and reports to the FBI based on them.

21
22 55. Marilyn and her attorney Karl Nastrom drove plaintiff out of the
23 country by fear (Exhibit H) - by using intimidation, threats, and corruptly
24 persuaded their client, Plaintiff (Kathia Oster) to make false reports of
25 crimes in April 2018 through Feb 2019 (Exhibit A-L), resulting in charges
26 against Plaintiff in Sept, Oct 2018, and Feb 2019. By being out of country,
27 Plaintiff (Brent Oster) avoided arrest and foiled their plan to have him
28 arrested multiple times and detained by authorities, but Plaintiff missed

1 asset settlement hearings in the divorce due to their tampering with a victim
2 or witness, and Retaliation against a witness. Through Extortion (18 U.S.C. §
3 1951) by fear Marilyn Moreno and Karl Nastrom obtained orders against
4 plaintiff in Nov 2018 to sell his Gilroy home and Through Extortion (18
5 U.S.C. § 1951) by fear obtained a settlement stipulation on 9 Jan 2019 to
6 give all the proceeds of that sale to their client (Exhibit K-3), Plaintiff
7 (Kathia Oster).

8
9 56. Michael Moreno, a Santa Clara DA prosecutor in the Family Violence
10 Unit, and son/nephew of Hector and Marilyn Moreno, was a culpable person
11 managing the Enterprise, who criminally conspired (18 U.S. CODE § 1961(d))
12 with the Moreno Attorneys to willfully and knowingly commit crimes of
13 tampering with a victim or witness , and retaliation against a witness by
14 conspiring with them to bring false charges against Plaintiff (Brent Oster)
15 Sept 2018, Oct 2018, and Feb 2019 to place him under duress and fear to
16 conspire with the Moreno Attorneys to Extort (18 U.S.C. § 1951) assets and
17 real-estate property from him during the asset hearings in the divorce in Nov
18 2018 and 9 Jan 2019.

19
20 57. Judge Julie Emede, is a judge in the Santa Clara Family Court, who
21 violated Plaintiff's 6th and 14th Amendment rights, knowingly and willfully
22 conspired in the criminal acts of perjury and tampering with plaintiff as a
23 witness by Shelley O'Brien and the Moreno Family Law Firm when Judge Emede
24 granted a permanent DVRO against Brent Oster 17 Sept 2018 based on obviously
25 perjured testimony submitted by Shelley O'Brien, (employed by the Moreno
26 Family Law Firm). By doing so, and not setting aside her order in a 5 Dec
27 2018 hearing when given truthful information that refuted the Moreno's
28 claims, she was knowingly conspiring (18 U.S. CODE § 1961(d)) with other

1 members of the Enterprise to commit crimes of tampering with a victim or
2 witness, retaliation against a witness, and Extortion (18 U.S.C. § 1951) by
3 other members of the Enterprise.

4
5 58. Gomez-Edwards, is comprised of partners Lauren Edwards and Natalie
6 Gomez took on Plaintiff (Kathia Oster) as a client in April 2019, and in
7 violation of 18 U.S. CODE § 1962(d) willfully and knowingly conspired with
8 Marilyn Moreno and other operators of the Enterprise to litigate the orders,
9 stipulations, and other litigation the Moreno Family Law Firm had obtained by
10 Fraud, Tampering & Interfering with, and Harassing a witness (18 U.S.C. §
11 1512), and Extortion(18 U.S.C. § 1951), even after Gomez and Edwards had been
12 notified in writing of the full extent of the crimes of Hector and Marilyn
13 Moreno, including being given a copy of the State lawsuit against them,
14 describing their crimes (19CV356322 Brent Oster vs Moreno Family Law Firm et
15 al.), and a copy of the Federal Lawsuit (3:20-CV-01125-JD Brent Oster vs
16 Santa Clara County et al) describing all these claims in great detail.

17
18 59. Gomez Edwards Law Group, Lauren Edwards and Natalie Gomez were also all
19 culpable persons operating the Enterprise. They were subcontracted by Marilyn
20 Moreno, and they committed willfully and knowingly predicate crimes of Fraud
21 (deceit, concealment, perjury, false reports of crimes), Extortion(18 U.S.C.
22 § 1951), Tampering with a Victim or Witness (18 U.S.C. § 1512), Retaliation
23 against a witness (18 U.S.C. § 1513) in State official proceedings as well as
24 a Federal Official Proceeding (Lawsuit 3:20-CV-01125-JD Brent Oster vs Santa
25 Clara County et al), and Money Laundering (18 U.S. CODE § 1956, 18 U.S. CODE
26 § 1957) while operating and conspiring with the racketeering Enterprise.

1 60. Sharon Roper is a Temp Real-Estate Judge that was arbitrating in the
2 divorce settlement. Temp Judge Roper willfully and knowingly conspired with
3 the other persons operating the Enterprise violating 18 U.S. Code § 1962(d)
4 participating in crimes of Extortion(18 U.S.C. § 1951), Tampering with a
5 victim or witness (18 U.S.C. § 1512), Retaliation against a witness (18
6 U.S.C. § 1513), and Money Laundering(18 U.S. CODE § 1956, 18 U.S. CODE §
7 1957). She filed orders outside of her authority, in violation of plaintiff
8 (Brent Oster's) 14th Amendment rights, and in violation of the Family Court
9 process (Obstruction of Justice) - to try and force the sale of Plaintiff's
10 home and evict him from it - while all parties were waiting on hearings for
11 set-aside and reconsider motions in Family Court on the forced sale order.

12
13 61. Rick Trevino, and Intero Real Estate Services (wholly owned by
14 Berkshire Hathaway), and his corporate governance and Counsel are all
15 culpable persons willfully and knowingly engaged in and operated the
16 Enterprise, with Rick Trevino acting on behalf of his Intero corporate
17 governance with their full knowledge and consent. Rick Trevino willfully and
18 knowingly committed predicate crimes of Fraud (deceit, concealment, perjury,
19 false reports of crimes, violations of orders and/or contracts), Tampering or
20 Interfering with a Witness (18 U.S. CODE § 1512) in a Federal Official
21 proceeding (3:20-CV-01125-JD, filed Jan 2020, joinder into 5:20-cv-07828-NC
22 filed Dec 2020), Retaliation against a Witness or Victim (18 U.S. CODE §
23 1513) in a Federal Official proceeding, Extortion (18 U.S. CODE § 1951),
24 Money Laundering (18 U.S. CODE § 1956, 18 U.S. CODE § 1957), Racketeering
25 Activity (18 U.S.C. § 1962(c)), and Colluding and Conspiring (18 U.S.C. §
26 1962(d)) with the other persons operating the Enterprise, for the profit of
27 themselves and the other operators of the Enterprise at the expense of
28 Plaintiffs' loss of property.

1
2 62. By repeatedly Interfering with Plaintiff from litigating or testifying
3 in the official divorce proceeding, in State civil lawsuit official
4 proceedings, as well as in a Federal Official Proceeding (3:20-CV-01125-JD,
5 filed Jan 2020, joinder into 5:20-cv-07828-NC filed Dec 2020), Rick Trevino,
6 and Intero willfully and knowingly committed predicate crimes of Tampering
7 with a Victim or Witness (18 U.S.C. § 1512), and Retaliation against a
8 witness (18 U.S.C. § 1513).

9
10 63. By removing all of Plaintiff's belongings and documents from his home,
11 not giving him time to pack or access them before he was unlawfully and
12 wrongfully evicted from his home by the actions of the racketeering
13 enterprise, and putting his belongings into a storage unit without
14 Plaintiff's permission, forging his signature onto a contract that he could
15 not afford to pay for, and those belongings going up for auction 7 July 2021
16 - Intero and Rick Trevino also violated 18 U.S. CODE § 1512 (c)Whoever
17 corruptly - (1) alters, destroys, mutilates, or conceals a record, document,
18 or other object, or attempts to do so, with the intent to impair the object's
19 integrity or availability for use in an official proceeding (these included
20 multiple boxes and a storage cabinet full of documents and evidence, and
21 several HDDs that plaintiff lost).

22
23 **STATEMENT OF FACTS - PART 1**

24 **HECTOR AND MARILYN MORENO**

25
26 64. Hector and Marilyn Moreno (and their law firms and employees) do not
27 practice family law. Instead they follow a Racketeering Pattern of Fraud
28 (deceit, concealment, perjury, false reports of crimes, breaches of contracts

1 / stipulations), Tampering or Interfering with a Witness (18 U.S. CODE §
2 1512), Retaliation against a Witness or Victim (18 U.S. CODE § 1513),
3 Extortion (18 U.S. CODE § 1951), Money Laundering (18 U.S. CODE § 1956,
4 1957), Racketeering Activity (18 U.S.C. § 1962(c)), and/or Colluding and
5 Conspiring (18 U.S.C. § 1962(d)) with the other persons operating the
6 Enterprise. By doing so, they defraud both their opponent and their client of
7 assets during unlawful conduct in official State divorce proceedings by their
8 pattern of racketeering.

9
10 65. The Moreno attorneys initiated their pattern of racketeering against
11 Plaintiffs in June 2017, with Hector Moreno instructing Plaintiff (Kathia
12 Oster), their client, to instigate verbal arguments, physical conflict, and
13 even domestic violence in the home starting months before separation (Sept
14 2017) and to file false reports of crimes (knowing they were false) of
15 domestic violence in the home.

16
17 66. These plans backfired, and their instructions just made their client,
18 Plaintiff (Kathia Oster) increasingly agitated, confrontational, and
19 physical, to the point that on 2 Sept 2017, she chased Plaintiff (Brent
20 Oster) upstairs and battered him, tearing his clothes and inflicting
21 significant bruises on his arm and shoulder because he had refused to sign
22 Quitclaim Deeds that Hector Moreno had authored and given to Kathia Oster for
23 her and Brent to sign, modifying ownership of their homes.

24
25 67. To interfere with plaintiff reporting that assault on him before Hector
26 Moreno could file for a divorce, Hector Moreno used intimidation, threats,
27 and corruptly persuaded his client, Plaintiff (Kathia Oster) to make a false
28 report to Gilroy police 13 Sept 2017 and sent them to visit and intimidate

1 plaintiff (Brent Oster) by entering his home without a warrant (nor
2 invitation) in violation of his 4th Amendment rights and yelling at him to
3 sit on his stairs while they held their hands on holstered weapons, ready to
4 draw. They used excessive force because Hector Moreno had corruptly persuaded
5 Plaintiff (Kathia) to create false reports to police that plaintiff (Brent
6 Oster) was suicidal, bipolar, aggressive, and armed. This was a crime of
7 Tampering or Interfering with a Witness (18 U.S. CODE § 1512), to interfere
8 with Plaintiff from making a truthful police report that his wife, Kathia
9 Oster had battered him 2 Sept 2017, and interfere with him making a report to
10 FBI that about the commencement of a pattern of Racketeering by Hector
11 Moreno, as Plaintiff had seen it in Kathia's first divorce when he started
12 dating her.

13
14
15 **STATEMENT OF FACTS - PART 1b**

16 **HECTOR AND MARILYN MORENO**

17 **PATTERN OF RACKETEERING**

18
19 68. Plaintiff (Brent Oster) will demonstrate that the Law Firms of Hector
20 and Marilyn Moreno regularly engage in a pattern of Racketeering Activity (18
21 U.S.C. § 1962(c)), employing Fraud (deceit, concealment, perjury, false
22 reports of crimes, breach of contract/stipulation), Tampering or Interfering
23 with a Witness (18 U.S. CODE § 1512), Retaliation against a Witness or Victim
24 (18 U.S. CODE § 1513), Extortion (18 U.S. CODE § 1951), Money Laundering (18
25 U.S. CODE § 1956, 1957), and/or Colluding and Conspiring (18 U.S.C. §
26 1962(d)) with the other persons operating the Enterprise - in his case and in
27 many of their other cases in the last 3 years, in a clear pattern of managing
28 and operating a racketeering Enterprise (Exhibit A-A, Exhibit D, Exhibit E,

1 Exhibit F). They have a known reputation amongst their peers and opponents of
2 so acting and are reviled for it.

3
4 69. They begin their racketeering pattern (in almost half their divorce
5 cases) by using intimidation, threats, and corruptly persuading their client
6 to instigate conflict in the home and to antagonize their spouse and 'push
7 their buttons' as evidenced in the statements by Brent Oster (Exhibit A-F),
8 Thomas Sorri (Exhibit D), and Jenifer Ninan (Exhibit E), all done so that the
9 Moreno Attorneys can obtain a Domestic Violence Restraining Order (DVRO)
10 against the spouse on behalf of their client. In a statistical analysis of
11 the divorce cases litigated by the Moreno Attorneys done from 2016-2019
12 (Exhibit A-A), at separation in over 40% of their cases, they file a DVRO
13 against their opponents (with perjured statements).

14
15 70. Hector and Marilyn Moreno's false reports to the police, and perjured
16 statements made in court filings and hearings resulted in a permanent DVRO
17 (without trial) against Plaintiff (Brent Oster), and the false reports of a
18 crimes resulted in 4 fraudulent criminal charges that have severely impacted
19 Plaintiff (Brent Oster)'s life, destroyed his career, stopped his fiancée's
20 immigration visa, and caused 3 years of stress, pain, and suffering for
21 Plaintiff (Brent Oster) since the divorce proceedings began, with a total
22 loss of 4 years wages and \$360,000 in retirement funds.

23
24 71. The Moreno Attorneys' crimes of Fraud (Perjury, false reports of
25 crimes), tampering with a victim or witness were all done intentionally to
26 place Plaintiff (Brent Oster) under duress and in fear so that they could
27 threaten him and Extort (18 U.S.C. § 1951) property from him. They also did
28 these crimes of false reporting of crimes and perjury throughout the

1 proceeding to interfere with and retaliate against him as witness to prevent
2 him reporting them and their client's illegal activities to State and Federal
3 authorities. Then they charged enormous legal fees to Plaintiff (Kathia
4 Oster) and/or Plaintiff (Brent Oster) because of the extraneous litigation
5 incurred due to their criminal acts in the proceedings, defrauding Plaintiffs
6 of the rest of the funds at the end by that means.

7
8 72. In Exhibit E is testimony by Jenifer Nijan, who testifies that Marilyn
9 Moreno used intimidation, threats, and corruptly persuaded her to
10 deliberately antagonize her husband and 'push his buttons' so he would react
11 and give Marilyn Moreno "Something to work with"..., to falsify DV allegations
12 against Jenifer's Husband, Ajit. This act of advising her client to falsify
13 reports to police and the courts is in violation of the Attorney Code of
14 Conduct Chapter 3, Rules 3.1, 3.3, and 3.4, criminal acts of Perjury under
15 California Penal Code Section 118, and false reports of crimes under Penal
16 Code 148.5, and so in these acts, Marilyn Moreno was acting unlawfully
17 outside of her attorney litigation privilege, and her actions are NOT
18 exempted from RICO.

19
20 73. Marilyn Moreno used intimidation, threats, and corruptly persuaded
21 Jenifer Ninan to engage in misleading conduct toward the Santa Clara Family
22 Court and Police by falsifying statements in a DVTRO petition and making
23 false reports of crimes in police reports, with intent to have Ajit Ninan
24 evicted from his home, and by doing so, (1) delay, or prevent his testimony in
25 the ongoing official State divorce proceeding, and (2) cause him to - (A)
26 withhold testimony, and to (3) hinder, delay, or prevent communication to a
27 law enforcement officer or judge, including reporting Federal Racketeering
28 crimes to the FBI.

1
2 74. People are afraid of Hector and Marilyn Moreno, including Kathia's
3 first husband (Thomas Sorri), plaintiff (Brent Oster's) counsel Nancy
4 Martinez, and most other opponents and clients of the Moreno Attorneys that
5 Plaintiff has had contact with. Plaintiff has been told "Just give them
6 whatever they want so they will leave you alone", or "They are well
7 connected, I would not f**k with them, they are dangerous". Many attorneys
8 that plaintiff contacted about representing him against Marilyn or Hector
9 Moreno said "Sorry we don't represent clients against them, it just never
10 goes well for anyone, and our clients end up unhappy about the result".
11

12 75. For anyone that has taken law statistics 101, any DV allegations by the
13 Law Firms of Hector and Marilyn Moreno should be suspect for fraud. Between
14 2016-2019 Marilyn Moreno filed motions citing DV by the opposing spouse in
15 44/109 = 40% of their cases, while J Hector Moreno filed motions citing DV in
16 19/39 cases, or 49% (see Exhibit A-A). It strains credibility to imagine that
17 nearly half of husbands they opposed committed domestic violence when the
18 statistical prevalence of domestic violence (according to DOJ statistics
19 1993-2010, US DOJ Statistics of Domestic Violence) in the US population was
20 less than 0.4% per couple per year.
21

22 76. This submission of falsified DVRO petitions by the Moreno Attorneys is
23 large scale Perjury, Fraud on the Court, as well as tampering with a witness,
24 victim, or an informant, by knowingly using intimidation, threats, or
25 corruptly persuading another person to influence, delay, or prevent the
26 testimony of a person in an official proceeding.
27
28

1 77. This is also interference with and retaliation against a witness, and
2 taking action harmful against that person, including interference with their
3 lawful employment or livelihood - as all DVROs by the Moreno attorneys
4 include a move-out order. This causes the witness to incur additional living
5 expenses, and possible loss of wages or loss of employment - for each victim
6 they falsify a DVRO against. That adds up to **63 counts** of Hector and/or
7 Marilyn Moreno committing these predicate crimes in a racketeering pattern
8 against the individuals in these official divorce proceedings (Exhibit A-A)
9 from 2016-2019, in only 3 years.

10
11 78. Even more incredulous is that in a many of DVROs they file, Hector
12 Moreno and Marilyn Moreno state that the husband is dangerous, trying to find
13 the spouse to harm them or kill them. According to DOJ statistics, there were
14 only around 2000 domestic homicides in the USA annually (US DOJ Statistics on
15 Domestic Violence), out of 60M couples, or 0.003%. So, unless there is a
16 massive selection bias and the Law Firms of Hector and Marilyn Moreno are
17 getting all of the Bay Area DV cases, and out of those, many have husbands
18 that have suddenly emerged from being normal people with no history of
19 violence or criminal record, to become killers, this is highly implausible.
20 Rather, this is evidence of a pattern of systematic racketeering activity
21 with predicate crimes committed by the Moreno attorneys multiple times a
22 year, against dozens of people, a pattern that is exposed by the sheer weight
23 of the statistics.

24
25 79. Plaintiff (Kathia Oster's) first divorce was with these same attorneys,
26 Hector and Marilyn Moreno in 2005-2011 vs Thomas Sorri, where Marilyn Moreno
27 also filed a falsified DVRO against Thomas Sorri in 2005, committed perjury,
28

1 and made false DV claims against him, with the goal of Extortion (18 U.S.
2 CODE § 1951) in the divorce settlement, obtaining a house from Tom Sorri.

3
4 80. But it was not an easy case for the Morenos, as Kathia fired Marilyn
5 in April 2006, refuted her DVRO claims (showing they were false), and started
6 talking directly to Thomas Sorri to try and reconcile their marriage and
7 later in 7 Jun 2006, attend a hearing together and sign a stipulation to
8 appoint a temporary judge to oversee any dissolution, without attorneys
9 representing them (Exhibit D).

10
11 81. There was no further activity in their divorce proceeding until 25 Jul
12 2008, when Hector Moreno filed a motion for attorney's fees, then substituted
13 in as Kathia's counsel on 29 Aug 2008 to reinstate the DVRO and complete the
14 plans Marilyn originally had - to use perjured DV claims and the fraudulent
15 DVRO plus threats of police actions to Extort (18 U.S. CODE § 1951) real-
16 estate from Thomas Sorri, convey it to Kathia Sorri, then to try and Extort
17 the equity from her via attorney's fees.

18
19 82. This Extortion is evidenced that in the final divorce settlement
20 (Exhibit D, 10 Nov 2009) Hector Moreno finally reduced the DVRO against Tom
21 Sorri to a civil stay-away order in exchange for Thomas Sorri conveying
22 ownership of a home in San Jose to Kathia Sorri (Exhibit D), by an act of
23 Extortion (18 U.S. CODE § 1951) (b) the obtaining of property from another,
24 with his consent, induced by wrongful use of actual or threatened fear. In
25 this case Tom was in fear of Hector Moreno making the DVRO permanent or
26 filing charges of RO violations against it.

1 83. In these acts from 2005-2011, advising their client to falsify reports
2 to police and the courts - Hector and Marilyn Moreno in violation of the
3 Attorney Code of Conduct Chapter 3, Rules 3.1, 3.3, and 3.4, and constituted
4 criminal acts of Perjury under California Penal Code Section, and so in these
5 acts, Hector and Marilyn Moreno were acting unlawfully outside of their
6 attorney litigation privilege, and their actions are NOT exempted from RICO.

7
8 84. Hector and Marilyn Moreno used intimidation, threats, and corruptly
9 persuaded Plaintiff (Kathia Oster) to engage in misleading conduct toward the
10 Santa Clara Family Court by falsifying statements in a DVTRO petition against
11 Thomas Sorri, and by doing so, (1) delay, or prevent his testimony in the
12 ongoing divorce proceeding, and (2) cause him to - (A) withhold testimony, and
13 to (3) hinder, delay, or prevent the communication to a law enforcement
14 officer or judge, including to a Federal officer about the crimes of
15 Racketeering and Extortion he was a victim of.

16
17 85. Plaintiff (Brent Oster) corresponded with Thomas Sorri in 2018, and he
18 said he was "terrified of the Morenos, because they were so well connected,
19 and Brent should just give them what they want to get them to go away". He
20 was genuinely in great fear of them, even 8 years later.

21
22 86. Hector and Marilyn Moreno knowingly, with the intent to retaliate, took
23 action harmful actions against Thomas Sorri, which including interference
24 with his lawful employment or livelihood, as he ran his tile contracting
25 business from his home, and he was forced from the home by their fraudulent
26 DVRO and move-out order, interfering with his income (Exhibit D).

1 87. Plaintiff (Brent Oster) started dating Kathia in Oct 2008 and in 2010
2 overheard a phone call in which her divorce lawyers threatened Kathia. Kathia
3 decided to just settle her divorce. Hector forced Kathia to sign a document
4 stating that she was accepting a settlement offer against their advice -
5 Hector's attempt to intimidate her into not settling - and run up more legal
6 fees and Extort (18 U.S. CODE § 1951) her house from her. See (Exhibit D) for
7 excerpts of that divorce case.

8
9 88. Once they were fired from Kathia's divorce against Thomas Sorri, Hector
10 and Marilyn Moreno responded by threatening Kathia, saying if she did not pay
11 her legal fees, they would have to refer the debt to a collection agency, or
12 they would order the sale of her home (their original plan) to pay the lien
13 they had against it. This was Extortion (18 U.S. CODE § 1951), trying to make
14 Kathia pay excessive fees for their over-litigation and fraud in that 2005-
15 2011 divorce. Brent loaned Kathia the \$47,000 required to pay off that debt
16 to the Moreno Attorneys in 2010, and they removed their lien from her home.

17
18 89. These two divorces, 8 years apart, are solid evidence of Hector and
19 Marilyn Moreno managing an Enterprise with a pattern of racketeering activity
20 with similar RICO criminal acts (even against the same individual - Plaintiff
21 (Kathia Oster) - within a 10-year span (Thomas Sorri had a home Extorted from
22 him in 2011 by fear of a fraudulent DVRO obtained by perjured statements, as
23 did Brent Oster in Jan 2019).

24
25 90. Hector and Marilyn Moreno's overall case statistics in Exhibit A-A and
26 Exhibit F also show a clear pattern of Racketeering Activity (18 U.S.C. §
27 1962(c)) with criminal acts of Fraud (Perjury, False Reports of Crimes),
28

1 Extortion (18 U.S. CODE § 1951), and/or Colluding and Conspiring (18 U.S.C.
2 § 1962(d)) with the other persons operating the Enterprise.

3
4 91. Starting with DOJ Statistics that state that DV in a given relationship
5 in a year is only 1/250 or 0.4% likely to be happen, and the probability a
6 domestic partner will murder their partner in a year as $1/30,000 = 0.0033\%$
7 likely to happen, then DV in two separate divorces for Plaintiff (Kathia
8 Oster) and the Law Firms of Hector and Marilyn Moreno (they did her first
9 divorce with Thomas Sorri 2005-2008 with a similarly worded DVRO) puts it at
10 $1/250 \times 1/250 = 1/62,500$ or 0.0016%, odds of being true that both her first
11 husband (Thomas Sorri) and Plaintiff (Brent Oster) committed acts of DV
12 against her, and $1/30,000 \times 1/30,000 = 1/900,000,000$ (far beyond lottery
13 odds) that she was in danger of being murdered both times, and yet both
14 husbands (Thomas Sorri and Plaintiff (Brent Oster)) were prosecuted,
15 intimidated, threatened, aggressively and had property extorted for both
16 'potential crimes' by the Law Firms of Hector and Marilyn Moreno.

17
18 92. Only unlawful and criminal behavior can explain the Morenos
19 ridiculously skewed statistics for falsely reporting DV and obtaining DVROs
20 against almost half their opponents. They cannot even use the excuse of
21 'erring on the side of caution' and acting in their client's best interests,
22 because once a DVTRO is granted they methodically 'continue' or extend it
23 indefinitely without a trial, and on average Hector continues a DVTRO for 8
24 months and Marilyn 10 months on any DVTRO in their case (Exhibit A-A). They
25 know if they get taken to trial, they will lose the fraudulent order and
26 their ability to use Extortion to skew the settlement and could be liable for
27 any damages if their claims prove false. They will stop at nothing to keep a
28 trial from happening, and none of the DVROs issued by Hector Moreno nor

1 Marilyn Moreno ever see a trial in family court. Plaintiff (Brent Oster)
2 spent 3 years demanding one.

3
4 93. The laws governing DVROs and RO violations are in violation of the
5 Constitution, including the 4th, 6th, and 14th Amendments. If the husband gets
6 accused of 'violating' a DVRO (by even inadvertent or indirect
7 communications) like Plaintiff (Brent Oster) did for putting nice notes
8 ('Here4U', 'I Still Care', and 'Merry Christmas') on large, voluntary bank
9 transfers and checks, the Law Firms of Hector and Marilyn Moreno help their
10 client file false report of a crime with grossly exaggerated and/or false,
11 threatening motives and ridiculous danger scenarios. The accused gets a
12 warning, then next time he gets arrest, and each time that happens, the
13 charges compound, because each 'RO violation' carries its own new restraining
14 order, so they can grow exponentially and the husband gets put in jail and
15 kept there because he is declared a dangerous offender (without ever being
16 tried or convicted of any crime, or having any evidence brought against him).
17 The California penal codes for PC 273.6 are in violation of the Fourteenth
18 Amendment in their writing and in their enforcement. They are only a tool for
19 Extortion by instilling fear and do nothing to protect anyone.

20
21 94. Having set this background of how egregious the conduct of Hector and
22 Marilyn Moreno, and their law firms and employees is in general, and how it
23 comprises a pattern of racketeering activity, Plaintiff (Brent Oster) will
24 focus on the specific misconduct by them in his divorce case. The misconduct
25 in Plaintiff (Brent Oster)'s case is quite typical of their racketeering
26 activities in these other cases - Fraud (deceit, concealment, perjury, false
27 reports of crimes, breach of contract/stipulation), Extortion(18 U.S.C. §
28 1951), Tampering or Interfering with a Witness (18 U.S. CODE § 1512),

1 Retaliation against a Witness or Victim (18 U.S. CODE § 1513), and Money
2 Laundering (18 U.S. CODE § 1956, 1957), although the retaliation was more
3 egregious in Plaintiff's case because they were taking extreme actions to
4 tamper and interfere with Plaintiff and retaliate against Plaintiff (Brent
5 Oster) because he was reporting them to the State Bar of California, Police,
6 and FBI).

7
8 **STATEMENT OF FACTS - PART 1c**

9 **HECTOR AND MARILYN MORENO**

10 **CRIMINAL ACTS vs PLAINTIFFS**

11
12 95. Hector Moreno is an attorney leading the Law Firm of J Hector Moreno,
13 and is a culpable person that willfully and knowingly committed crimes of
14 fraud, perjury, false reports of crimes, racketeering and predicate crimes of
15 Interfering/Tampering with a witness, Retaliation against a witness,
16 Extortion, Money Laundering, and conspiracy with the other operators of the
17 enterprise to commit these crimes.

18
19 96. Before the divorce was filed, Hector Moreno and his attorneys used
20 intimidation, threats, and corruptly persuaded Plaintiff (Kathia Oster) to
21 engage in attempts to instigate DV in the home, resulting in a dramatic
22 increase in her aggressive verbal insults, attempts to start arguments, and
23 her instigation of physical pushing and shoving to instigate physical
24 altercations. She also started using new words and phrases in her speech and
25 writing that were specific legal terms related to DV, all since she had
26 withdrawn \$5000 June 4 to give to Hector Moreno for a retainer sometime
27 afterward. This is the way that both Hector Moreno and Marilyn Moreno begin
28 their racketeering pattern, by using intimidation, threats, and corruptly

1 persuading their client to instigate arguments and physical conflict, to try
2 to get the husband to react, then misconstrue any reaction as domestic
3 violence (See Exhibit D, pg. 82-86 for Tom Sorri's testimony, Exhibit E for
4 Jennifer Ninan's testimony about Marilyn Moreno corruptly persuading her to
5 instigate arguments and violence against her husband).

6
7 97. On 2 Sept 2017, Hector Moreno and his attorneys used intimidation,
8 threats, and corruptly persuaded Plaintiff (Kathia Oster) to attempt to
9 defraud Plaintiff (Brent Oster) by getting him to sign quitclaim deeds (with
10 the contents of the deeds being concealed from him) - to transfer ownership
11 of the San Jose and Gilroy homes (at the time each owned 50/50 by the couple)
12 to a different, and concealed ownership percentage. There was an attempt by
13 Plaintiff (Kathia Oster) trying to get the Quitclaim deeds signed by both
14 plaintiffs and notarized at a UPS Store on 2 Sept 2017, without showing
15 Plaintiff (Brent Oster) the documents before he signed them.

16
17 98. When Plaintiff (Brent Oster) refused, asking for time to read the
18 documents and they returned home, Plaintiff (Kathia Oster) went upstairs to
19 her office, concealed the documents and started making desperate calls, texts
20 and e-mails, and refused to come down and watch a movie (Wonder Woman) on the
21 outdoor movie theater. She was conferring with Hector and his attorneys about
22 what to do next.

23
24 99. After the 2hr movie, Plaintiff (Brent Oster) came inside the house,
25 tried to calm a very agitated Plaintiff (Kathia Oster) down and asked her to
26 sit beside him on the couch and give him a hug. Instead she said "I'm dialing
27 911!" for ZERO apparent reason other than she had been given instructions by
28 Hector Moreno to do so. Plaintiff (Brent Oster) snatched her phone away, ran

1 away from her upstairs - and was cornered and assaulted by her (Exhibit A-F).
2 Brent took pictures of his injuries with her standing calmly in frame, sent
3 them to friends and family, and went to bed. She subsequently left the home
4 after he fell asleep.

5
6 100. Hector Moreno and his attorneys used intimidation, threats, and
7 corruptly persuaded Plaintiff (Kathia Oster) to make a false report to Gilroy
8 police 5 Sept 20017 about this incident, and another on 13 Sept 2017, with
9 the intention of sending police to visit and intimidate plaintiff (Brent
10 Oster) by entering his home on 13 Sept 2017, without a warrant (nor
11 invitation) in violation of his 4th Amendment rights and yelling at him to
12 sit on his stairs while they held their hands on holstered weapons, ready to
13 draw.

14
15 101. They used excessive force because Hector Moreno had used intimidation,
16 threats, and corruptly persuaded Plaintiff (Kathia Oster) to make false
17 reports that plaintiff (Brent Oster) was "suicidal", "bipolar", "violent",
18 and "threatened to kill her", without being able to provide any
19 substantiating evidence nor answer any questions when police asked her for
20 specifics of these claims (Exhibit L). This was a crime of Tampering or
21 Interfering with a Witness (18 U.S. CODE § 1512), to interfere with Plaintiff
22 from making a truthful police that his wife, Kathia Oster had battered him 2
23 Sept 2017, and to FBI that this was the beginning of a pattern of
24 Racketeering By Hector Moreno, trying to commit fraud, and interfering with a
25 witness. Plaintiff had seen their pattern in Kathia's first divorce and knew
26 this was their plan.

1 102. Because Hector Moreno had used intimidation, threats, and corruptly
2 persuaded Plaintiff (Kathia Oster) to create claims about Plaintiff (Brent
3 Oster) that were so dangerously exaggerated, and the reports to police made
4 them sound so urgent and life-threatening, this was also a crime of: 18 U.S.
5 CODE § 1512 (B) in the case of (i) an attempt to murder; or
6 (ii) the use or attempted use of physical force against any person; using
7 police as a proxy.

8
9 103. On 5 Sept 2017 and 13 Sept 2017, In violation of 18 U.S. CODE § 1512,
10 Hector Moreno corruptly persuaded Plaintiff (Kathia Oster) to engage in
11 misleading conduct toward the Gilroy Police Department by falsifying
12 statements that Plaintiff (Brent Oster) was abusive, violent, bipolar, armed
13 and suicidal, with the intent to have Plaintiff (Brent Oster) aggressively
14 interviewed or arrested by police, and by doing so, (2) cause him to – (A)
15 withhold testimony, and to (3) hinder, delay, or prevent the communication of
16 the crime of a 2 Sept 2017 battery by Plaintiff (Kathia Oster) against him
17 and prevent the communication about Hector Moreno beginning a pattern of
18 Racketeering (18 U.S.C. § 1962(c)) – to a Federal law enforcement agency
19 (FBI).

20
21 104. The police visit 13 Sept 2017 was for a "Safety Check" because that
22 false report had been made that Plaintiff was suicidal, when in fact he was
23 fine, and was at home, resting, in his underwear, chatting and laughing with
24 the young woman that would become his wife a few years later. The police were
25 reacting to the false depiction in the report, not the true circumstances.

26
27 105. On 14 Sept 2017 The Law Firm of Hector Moreno filed a divorce petition
28 and fraudulent DVTRO against Plaintiff (Brent Oster) as they do with 49% of

1 their opposing spouses (Exhibit A-A). The DVTRO petition (Exhibit A-G) on
2 behalf of Plaintiff (Kathia Oster), was written by Joseph Tang, and signed by
3 Hector Moreno and Plaintiff (Kathia Oster). This DVTRO petition contained
4 provably false statements that were fabricated by Plaintiff (Kathia Oster)
5 and Joseph Tang, that even completely contradicted previous police reports
6 (Exhibit A-E) made by Plaintiff (Kathia Oster) Oster on 15 Aug 2017 and 5
7 Sept 2017, where Plaintiff (Kathia Oster) reported only vague worries of
8 danger and threats, but no actual harm to her, and police officers both times
9 found no evidence of harm or injury, nor any evidence of actual threats by
10 Plaintiff (Brent Oster). Plaintiff (Kathia Oster) had even asked police even
11 asked "can I make a police report without pressing charges" when speaking
12 with the police, implying she was just reporting based on Hector Moreno's
13 instructions, not reporting an actual crime.

14
15 106. Plaintiff (Kathia Oster), Hector Moreno, and Joseph Tang deliberately
16 made these false statements in the DVTRO despite having full knowledge of
17 that they were contradicting previous reports by their client and reports and
18 observations by police. As well they had pictures and other evidence in their
19 possession that showed Plaintiff (Brent Oster) was injured and had torn
20 clothing on the night of 2 Sept 2017, and was the real victim of an assault,
21 not their client, Kathia. She (5'2", 118 lbs) did not have a mark on her,
22 while he (6'2", 240 lbs) had large bruises and torn clothing (Exhibit A-F).

23
24 107. Joseph Tang, Hector Moreno, and Plaintiff (Kathia Oster) chose to
25 ignore all these facts and commit deceit and perjury towards the court.
26 Hector Moreno had all the truthful information as he had been coaching Kathia
27 and would have pulled these police reports before writing a DVTRO. Despite
28 knowing the content of the prior police reports, and his client's prior

1 claims, Joseph Tang and Hector Moreno chose to blatantly perjure and
2 contradict them in the DVTRO. Joseph and Plaintiff (Kathia Oster) also cite
3 additional falsified assaults and threats of harm at other times, despite the
4 fact that even Plaintiff (Kathia Oster's) prior police reports (Exhibit A-E)
5 showed on 15 Aug 2017 and 5 Sept 2017 that Plaintiff (Kathia Oster) claimed
6 no harm nor threats made against her to date, including filling out a
7 checklist stating so. She was the antagonist and assailant, corruptly
8 persuaded by Hector Moreno to start arguments, physical confrontations, and
9 to try and elicit a physical response from Plaintiff (Brent Oster).

10
11 108. At the end of their DVTRO petition (Exhibit A-G), Hector Moreno and
12 Plaintiff (Kathia Oster) include a partial segment of a text message
13 (omitting the surrounding text messages and context completely) from
14 Plaintiff (Brent Oster) to Plaintiff (Kathia Oster) containing a video link
15 that they completely misrepresented as showing 'any trigger can set husband
16 off and instigate his threats to kill me'. It fact it was a video of Shrek
17 the Ogre roaring for the entertainment of his family and friends, who
18 cheered, because they were asking him to roar. Nothing in the video had any
19 threats or slightest insinuation of murder. Seriously - their only "Evidence"
20 in the DVRO was a video of a fictional animated character, Shrek the Ogre (by
21 Dreamworks Pictures) roaring for his friends' amusement at his birthday
22 party...??? WTF is wrong with the Family courts?

23
24 109. Including this piece of misconstrued 'evidence' is another example
25 where Hector Moreno used intimidation, threats, and corruptly persuaded
26 Plaintiff (Kathia Oster) to deliberately commit Perjury in this DVTRO
27 petition, taking a small clip of a message out of context and knowingly
28 contradicting the facts in the full text of that text message, which was

1 Plaintiff (Brent Oster) asking her to stop verbally abusing him and pursuing
2 him when he tried to get away, which she did 2-3 times a week in June-Sept
3 2017. This was an act of discrimination against a disabled person, under 42
4 U.S. Code §12132 when it was submitted as perjured testimony with the
5 purpose of fraudulently getting an DVRO order for use in malicious
6 prosecution and Extortion against Plaintiff (Brent Oster).

7
8 110. Plaintiff (Brent Oster) never saw Plaintiff (Kathia Oster) after 3 Sept 2017, and at that
9 point in time, there were no reports, nor evidence, nor factual testimony that would possibly
10 support that there was any act of DV by Plaintiff (Brent Oster) against Plaintiff (Kathia Oster)
11 before or on that date, and all other statements after that date making such accusations were
12 fraud: falsified police reports and perjured court filings.

13
14
15 111. Plaintiff (Brent Oster) filed an Attorney Misconduct Complaint with the
16 State Bar of California vs Hector Moreno, Joseph Tang corruptly persuading
17 Plaintiff (Kathia Oster), together making perjured statements in the DVTRO,
18 where they fraudulently stated that Plaintiff (Kathia Oster) was threatened,
19 assaulted, AND harmed on Aug 13, and well as Sept 2/3, 2017, when her
20 existing police reports and the statements by (and examination by) the police
21 officers clearly showed she was not injured in any way, and there was no
22 evidence of threats made against her, after looking at all their textual
23 communications.

24
25 112. In violation of (18 U.S. CODE § 1512), in a pattern of racketeering,
26 Hector Moreno used intimidation, threats, and corruptly persuaded Plaintiff
27 (Kathia Oster) to engage in misleading conduct toward the Santa Clara Family
28 Court by falsifying statements in a DVTRO petition, with intent to have

1 Plaintiff (Brent Oster) evicted from his home, and by doing so, (1) delay, or
2 prevent his testimony in the ongoing divorce proceeding and from making any
3 Federal Civil RICO complaints or reports to FBI, and (2) cause him to - (A)
4 withhold testimony about the assault on Plaintiff (Brent Oster's) person and
5 withhold testimony about the initiation of a pattern of Racketeering Activity
6 (18 U.S.C. § 1962(c)) by Hector Moreno against Plaintiff, and to (3) hinder,
7 delay, or prevent the communication to a law enforcement officer (Municipal
8 Police and/or FBI), or to a judge these facts.

9
10 113. These fraudulent claims of DV in a DVRO petition, and police reports
11 were very damaging, as when worded with exaggerated and catastrophic language
12 with deceptions about Plaintiff (Brent Oster) being threatening and potentially
13 having homicidal intentions, as the Law Firms of Hector and Marilyn Moreno
14 wrote them, the DVRO was issued by the court without any evidence, without a
15 trial, in violation of 6th and 14th Amendment rights, and a non-violent
16 individual like Plaintiff (Brent Oster) got basically instantly charged
17 (convicted?) as being a domestic violence offender.

18
19 114. Plaintiff (Brent Oster) was kicked out of his house in 17 Sept 2017,
20 had his 2nd amendment rights revoked, had property seized, lost his job and
21 has had no substantial income for the 4 years since because his life has been
22 so disrupted by these crimes by Hector and Marilyn Moreno and the other
23 operators of the racketeering enterprise and their conspirators.

24
25 115. Plaintiff (Brent Oster) was viciously harassed in violation of (18 U.S.
26 CODE § 1513) Retaliation against a witness - because the Law Firms of Hector
27 and Marilyn Moreno corruptly persuaded their client to file voluminous false
28 reports of crimes, such as RO violations with distorted reports of everyday

1 events and items around the house (t-shirts, camping gear) as threatening and
2 violations of the DVRO - and added false claims of Plaintiff (Brent Oster)
3 being dangerous, and of Brent having intentions of coming to kill Plaintiff
4 (Kathia Oster) - when in fact he was living in Honduras with his fiancée in
5 2018.

6
7 116. This is How Hector and Marilyn Moreno instill such fear in their
8 opponents (and their clients) - by beginning their pattern of racketeering by
9 falsifying court orders and police reports and conspiring and colluding with
10 inside contacts in the Family Courts and at the DA office to bring false
11 orders against their opponents, eviction of their opponents from their homes,
12 loss of employment and income, and malicious prosecution by police with
13 excessive force - right from the start of a divorce proceeding, to interfere
14 with and harass their opponent to put them in fear, and prevent reporting
15 against themselves and by doing so, obstructing justice.

16
17 117. They use intimidation, threats, and corruptly persuade their clients to
18 make false reports to police and commit perjury by telling them that if they
19 don't, they will not get anything from the divorce, lose custody of children,
20 or that their spouse is a danger to them and only the Moreno Attorneys can
21 protect them. They isolate them from friends and family by this tactic, and
22 as they further implicate them in their crimes of racketeering, they gain
23 further control over them by intimidation, and threats of reporting them or
24 having them get charged along with them. Plaintiff (Brent Oster) saw
25 Plaintiff (Kathia Oster) go through this in her first divorce with the
26 Morenos, afraid Tom Sorri was coming to kill her, calling her lawyers (Hector
27 Moreno) all the time to get instructions about everything she did.

1 118. Plaintiff (Brent Oster) found representation with Dana Kruger in Sept
2 2017 and later Nancy Martinez in Feb 2018. Dana was previously a financial
3 attorney and spent 2 months compiling a detailed propertizer (Exhibit I-F, K-
4 1) that was later vetted by Nancy Martinez showing that if Plaintiff (Brent
5 Oster) kept the Gilroy House, and Plaintiff (Kathia Oster) took the San Jose
6 House, all other things being equal, that Plaintiff (Kathia Oster) would owe
7 Plaintiff (Brent Oster) an equalizing payment of \$97,188 (Exhibit K-1). Dana
8 helped Plaintiff (Brent Oster) prepare a response to the DVRO that showed
9 Plaintiff (Brent Oster) was actually the victim of an assault by Plaintiff
10 (Kathia Oster) with a dozen pictures, and testimony from friends as evidence.

11
12 119. Soon after this, Hector Moreno resigned as Plaintiff (Kathia Oster's)
13 Counsel. Plaintiff (Kathia Oster) had more reasonable counsel from Jan -
14 March with Gina Azzolini, and a settlement was reached at end of March to
15 conclude the divorce proceeding amicably. There was still \$360,000 in the
16 retirement that would be split, nobody had criminal charges against them,
17 Kathia could have taken the San Jose House, Brent the Gilroy House, with
18 Plaintiff (Kathia Oster) getting some money and spousal support, and
19 everything could have been fine. (Exhibit K-2) has a summary of the terms of
20 that settlement. Again this would have been a lawful settlement of the
21 divorce.

22
23 120. In late March 2018, Plaintiff (Brent Oster) put two anonymous comments
24 on The Law Firm of J Hector Moreno's website, one offering services in
25 "Victim vs Assailant" identification by Artificial Intelligence doing picture
26 classification, and a second about another service teaching Law Stats 101
27 about the actual statistics of domestic violence and murder by spouse in the
28 US. The overtone was that Hector was liable for his falsifications in these

1 areas. Plaintiff (Brent Oster) was in fact preparing a civil lawsuit against
2 Hector Moreno and putting him on notice in a tongue-in-cheek way. In
3 retrospect, this was a fatal mistake against these vicious criminals.

4
5 121. Suddenly Marilyn Moreno of the Moreno Family Law Firm came in to
6 represent Plaintiff (Kathia Oster) in April 2018. Plaintiff (Brent Oster)'s
7 attorney, Nancy Martinez, cautioned that Marilyn Moreno was known for her
8 extraneous and unethical litigation, as well as misusing protective orders
9 and helping her clients file false reports to the courts and police about DV
10 and RO violations to place the opposing spouse under duress then to
11 fraudulently Extort assets and real-estate from them. Plaintiff (Brent
12 Oster)'s lawyer, Nancy Martinez literally said "She is going take everything,
13 make you sell your house, and probably try to put you in jail, and there is
14 nothing I can do about it". Plaintiff made the decision to self-represent
15 pro-se, and hopefully resolve the settlement as peacefully, expediently, and
16 without litigation by removing his lawyer as a target for Marilyn Moreno to
17 litigate against (Exhibit A: C-B).

18
19 122. There was no reason for Marilyn to be in this divorce. Plaintiff
20 (Kathia Oster) had a settlement offer from Plaintiff (Brent Oster) that was
21 better than what she was lawfully owed (Exhibit K-2), that they were close to
22 signing, and there was nothing that Marilyn could do to make it better for
23 Plaintiff (Kathia Oster) legally. The only reasons for Marilyn Moreno to be
24 there was to cause further and unnecessary litigation, run up legal fees,
25 defraud and extort property from plaintiffs, and, most importantly, interfere
26 with Plaintiff (Brent Oster) as a witness, and interfere with the reporting
27 of Hector's crimes in this divorce proceeding, and of Hector and Marilyn's
28

1 crimes in Kathia's first divorce proceeding. They knew they were exposed to
2 criminal and civil liability.

3
4 123. Plaintiff (Brent Oster) will show detailed examples in his case where
5 they worked very hard to interfere and tamper with him as a witness, and
6 deliberately excluded him from hearings - twice, on 11 Jun 2018, and 17 Sept
7 2018 (Exhibits C-C through C-F, A-I, A-J, A-K), and even worked with their
8 client to file fraudulent reports to police to get criminal charges and an
9 arrest warrant against Plaintiff (Brent Oster) a week prior to a 17 Sept 2018
10 DVRO hearing to exclude him (Exhibit A-I, A-J, A-K, B-B). This was all done
11 to prevent him from putting a DVRO Trial on the calendar and revealing their
12 fraud and perjury. This was willful and knowing interference with him as a
13 witness and harassment of a witness. Plaintiff never succeeded in getting any
14 hearing or trial in the DV issues in the divorce proceeding as they were
15 continued all the way to 2021 while he repeatedly demanded a trial in his
16 filings. The most he was able to do was to file his own DVRO vs Plaintiff
17 (Kathia Oster) in Dec 2018, citing her assault on him and her continued
18 stalking online and through neighbors and friends.

19
20 124. Marilyn Moreno and her attorneys used intimidation, threats, and
21 corruptly persuaded Plaintiff (Kathia Oster) to file an enormous number of
22 false and frivolous RO violation reports and even a false diary (written
23 post-separation) of DV crimes by Plaintiff (Brent Oster) with exaggerated and
24 unsubstantiated claims of threats and (nonexistent) danger wrapped around
25 ordinary events and communications, and creating imaginary situations,
26 desperately trying to get restraining order violation charges against
27 Plaintiff (Brent Oster) in 2018-2019.

1 125. Even while Plaintiff (Brent Oster) was living out of country most of
 2 2018, they claimed fear of harm and risk of harm against Plaintiff (Kathia
 3 Oster) and falsely made-up instances of him being in proximity of Kathia
 4 Oster and stated that he was looking for her to find her and kill her all in
 5 in maliciously false reports of crimes (From Exhibit A: C-J, Exhibit L).
 6 Because Hector and Marilyn Moreno used intimidation, threats, and corruptly
 7 persuaded Plaintiff (Kathia Oster) to create claims about Plaintiff (Brent
 8 Oster) that were so dangerously exaggerated, and the reports to police made
 9 them sound so urgent and life-threatening, this was also potentially a crime
 10 of: 18 U.S. CODE § 1512 (B) in the case of (i) an attempt to murder; or (ii) the
 11 use or attempted use of physical force against any person; - using
 12 misinformed police as their proxy by which to accomplish the murder.

13 **Exhibit C-J Selected Quotes of False Police Reporting with claims of risk of** 14 **harm**

15 Brent came out of the restroom and turned the wrong way, realized it, then turned around -
 16 becomes:

17 On or about 5/29/18, the Osters had a court hearing in reference to their divorce. At the end of the hearing, Brent
 18 started walking towards Katia and Marilyn Moreno in the hallway of the courthouse. Katia assumed it was to
 19 make contact with her. When Moreno saw Brent approach, she stood up, and reminded Brent of the no contact
 20 order, and advised him to walk away. Brent complied without incident. I attempted to speak with Moreno in
 21 reference to this incident. I contacted the law office on 6/21/18, and learned Moreno was on vacation until 7/9/18.
 22 I attempted contact the week of 7/9/18. Moreno returned one of my calls, leaving a voice mail message. She did
 23 not return my follow up call to that message as of this report writing.

24 Brent did not want to list the Gilroy home address on his company web page, so he just put the
 25 address of the leasing office in Santa Clara for a NEARBY office complex (1/2 mile away) becomes:

26 When I first spoke with Kathia, she did not have any material she was referencing with her. We spoke briefly
 27 about a safety plan, as she found out Brent opened an office near a school she is currently attending. Kathia felt
 28 Brent picked this location purposely, and he may pose a threat due to his history of bipolar disorder.

Which leads to:

Katia stated she is in fear of safety of Brent, and views these attempts at contact as a way to re-enter her life, and
 eventually hurt her physically. As such, she asked for this case to be resubmitted to the District Attorney's Office
 for further review and complaint on Brent for PC 243(e)(1) and PC 273.6.

1 126. Karl Nastrom is the "Muscle" of the racketeering Enterprise. As the
2 boss, Marilyn does not tend to get her hands dirty with overt threats,
3 intimidation or Extortion very often, so Karl is tasked with sending the
4 threatening warning letters to the opponent, helping the client compose and
5 file the false reports of crimes, and for helping the client make false calls
6 to police, like he tried to on 2 Aug 2019, but found out the police were
7 forewarned, and they knew Plaintiff (Brent Oster) was in the courtroom with
8 Karl Nastrom, with plenty of security around, and NOT a threat like Karl was
9 claiming. Plaintiff had warned Police and the State Bar in writing, 6 days in
10 advance that Karl Nastrom would attempt this false reporting of a crime. He's
11 predictable.

12
13 127. Karl Nastrom obstructed Plaintiff (Brent Oster) from hearings on that
14 DVTRO on 11 June 2018 and he and Shelley O'Brien worked to obstruct him from
15 attending a DVRO status hearing on 17 Aug 2018.

16
17 128. On 11 June 2018, Plaintiff (Brent Oster), Plaintiff (Kathia Oster) and
18 Karl Nastrom (employee of Moreno Family Law Firm) were waiting outside the
19 courtroom for a scheduled DVRO status hearing, which Plaintiff had
20 communicated to Karl via e-mail the day before that he wanted to attend and
21 to call for a trial on the DVRO against him so he could testify against the
22 fraudulent accusations.

23
24 129. Plaintiff briefly left to go to the restroom before the hearing
25 started, then Karl Nastrom went into the courtroom, and continued the hearing
26 without Plaintiff present (Exhibit A: C-C through C-F). As Plaintiff
27 returned, he saw Nastrom coming out of the Courtroom, asked him what was
28 happening, and Nastrom stated "It's done, we continued it". When Plaintiff

1 later tried to obtain a transcript of the hearing, there was no transcript or
2 any record of Karl's actions to continue the hearing.

3
4 130. This was a deliberate violation of 18 U.S. CODE § 1512 in that Karl
5 Nastrom knowingly engaged in misleading conduct toward the court clerk,
6 and/or judge, with intent to (1)influence, delay, or prevent the testimony of
7 Plaintiff (Brent Oster) in an official proceeding, and (2)cause or induce him
8 to (A)withhold testimony, or withhold a record, document, or other object,
9 from an official proceeding;(C)evade legal process summoning him to appear as
10 a witness, or to produce a record, document, or other object, in an official
11 proceeding; or (D)be absent from an official proceeding to which he had been
12 summoned by legal process. They wanted their client to hold onto the
13 fraudulent DVRO and avoid a trial at all costs.

14
15 131. In a 29 May 2018 Settlement hearing, Marilyn Moreno committed a crime
16 of Extortion against Plaintiff (Brent Oster), by making a verbal threat that
17 she would make the DVRO against him permanent. By fear of such action, Brent
18 willfully signed a stipulation that would assign 100% ownership of the San
19 Jose House to Plaintiff (Kathia Oster) but understanding from that
20 stipulation that he would get 100% ownership of the Gilroy House as they had
21 agreed to.

22
23 132. However, Marilyn asked Plaintiff (Brent Oster) for some further
24 documentation before signing the Gilroy House over to him, which he supplied
25 to Marilyn by the June 17 deadline, But Marilyn never had Plaintiff (Kathia
26 Oster) sign over the Gilroy House as promised.

133. Before the next settlement hearing on 13 Aug 2018, Plaintiff (Brent Oster) was called by Gilroy police about some reported (but frivolous and even accidental RO violations):

Prior to running through the list of the violations Kathia provided, I stated that the violations occurred after the order was served in September 2017. Brent never contested this fact, and throughout our conversation was aware the order existed.

Wells Fargo Transfers

On 12/15/17, he transferred \$5000 to Katia with the message "Merry Christmas". On 04/02/18, he transferred \$5000 to Katia with the message "I care for you". On 6/29/18, he transferred \$5100 to Katia with the message "here4u". Brent affirmed that he sent these three messages, and clarified the "here4u" message was sent to Kathia meaning, here is money for you, or I am here for you.

iPhoto Account

On 3/31/18, Katia received an email from Brent asking her to subscribe to a shared iPhoto account entitled, "Brent and Katia Cute Photos". There was no message with the request, only the form email created by Apple for the subscription to the account. Brent said he did not send this request, and it may have been sent to her accidentally when he was deleting the album.

4/19/18

Brent sent an email to Katia with the subject line, "Settlement Offer". Attached to the email was a word document, which was presumably a divorce settlement offer. Brent said he sent the email to Kathia, after he sent the same offer to Kathia's attorney and did not hear back from her after a week or two had passed.

4/30/18

Brent sent an email to Katia sharing a Dropbox account entitled "Brent Oster financial documents and disclosures". This was the only message included with Dropbox's form email inviting one to share this file. Brent admitted to sending this message Kathia.

5/2/18

Katia provided a copy of a letter and an email sent to Brent by her attorneys Marilyn Moreno and Karl Nastrom. The letter reminded Brent of the no contact order and directed him to cease his attempts in contacting Katia and direct all correspondence to the law office. Brent said he did receive this email from Nastrom, but could not recall the exact date it was received.

My conversation with Brent was recorded with a digital voice recorder. The recording was later transferred to disk and booked into evidence.

134. In the 13 Aug 2018 Settlement Hearing, Marilyn Moreno demanded the sale of the Gilroy House and demanded that Plaintiff (Brent Oster) convey 50% of the proceeds from the sale equity to Plaintiff (Kathia Oster), which was far in excess of the amount lawfully calculated on a propertizer (Exhibit K-1, Exhibit K-2), or that Brent had offered her in any other settlements. Because Brent was in fear from the police calling him a week before about RO violations he was accused of, he went into the 13 Aug 2018 hearing in fear of further such actions by police, so this was an act of Extortion in violation

1 of (18 U.S. CODE § 1951) by Marilyn Moreno. Plaintiff (Brent Oster) stood up
2 and walked out of the settlement hearing and made reports to State Bar and
3 Police about her attempt at Extortion.

4
5 135. After Aug 2018, when Plaintiff (Brent Oster) reported to Police
6 (Exhibit B-A) and State Bar of California that Marilyn and Hector Moreno were
7 committing perjury to the court and false reports to police and authorities
8 with the goal of real-estate fraud by extortion, the number of fraudulent and
9 exaggerated malicious police reports against Plaintiff (Brent Oster) and the
10 perjury and malicious prosecution in the family court against him
11 skyrocketed, and he fled the country - while armed police, Sheriff's officers
12 and other's came to his house every couple of days, banging on his door,
13 looking in the windows, climbing in his flower garden (caught on security
14 camera) trying any means of finding him.

15
16 136. Right before these criminal charges and an arrest warrant were issued
17 against Plaintiff (Brent Oster), on 24 Aug 2018, Marilyn Moreno sent him an
18 e-mail asking him when he would be travelling from Honduras to California
19 (Exhibit A: C-I), so she knew in fact he was NOT in California when she
20 corruptly influenced her client (Kathia) to make a RO violation report on 30
21 Aug 2018 of an e-mail from Plaintiff (Brent Oster) that was sent two weeks
22 prior when he was in Honduras, and NOT in any proximity to Kathia. They
23 decided to make a false report that he was threatening her - when he was just
24 informing her of her attorneys' criminal pattern, forwarding her a police
25 report and State Bar report he had made against them, and a generous
26 settlement offer, asking her to seek better counsel. The fact that this
27 communication got charged as a crime, but the reporting of extortion, real-
28 estate fraud, and their other crimes got 'booked into evidence as irrelevant'

1 (Exhibit L) by Gilroy Police and the DA was disgraceful, and a blatant
2 violation of Plaintiff Brent Oster's 14th Amendment Rights to equal
3 protection of laws.

4
5 137. This pattern of pre-meditated, choreographed false and exaggerated
6 reporting of crimes, deliberately misconstruing his disability, by Marilyn
7 Moreno and her employees intimidating and corruptly persuaded Kathia Oster to
8 make them was purely done to intimidate Plaintiff (Brent Oster), place him in
9 fear, interfere with him as a witness, prevent him from reporting crimes and
10 from testifying to Municipal State and Federal authorities and judiciary. It
11 also served to discredit him, causing authorities to just ignore his reports
12 and 'book them into evidence' as shown in Exhibit L. Then when Plaintiff
13 (Brent Oster) was in fear, they would commit the crime of Extortion against
14 him and defraud him of property. By doing so, Marilyn Moreno, Karl Nastrom,
15 and others were acting on behalf of the Enterprise for their profit and the
16 profit of the other operators of the racketeering Enterprise.

17
18 138. The deliberately false reports made to police and the DA by Marilyn
19 Moreno, Karl Nastrom, and Plaintiff (Kathia Oster/Portugez) in Aug 2018
20 resulting in charges against Brent in Sept 2018 were direct retaliation
21 against plaintiff's reporting (of the crimes of fraud, Extortion, and real-
22 estate fraud by Marilyn Moreno) to the police (Exhibit B-A) and State Bar in
23 Aug 2018.

24
25 139. This was in direct violation of 18 U.S. CODE § 1512 (b) As Marilyn
26 Moreno and Karl Nastrom knowingly used intimidation, and corruptly persuaded
27 another person, Plaintiff (Kathia Oster), to engage in misleading conduct
28 toward another person (False reports of crimes to police, Perjury in the

1 family court), with intent to (1)influence, delay, or prevent the testimony
2 of Plaintiff Brent Oster in the divorce proceeding, including the upcoming
3 DVRO hearing 17 Sept 2018, and Settlement Trial Jan 2019, and to cause or
4 induce Plaintiff Brent Oster to (A)withhold testimony, or withhold a record,
5 document, or other object, from an official proceeding (his evidence against
6 the DVRO claims). (D) be absent from an official proceeding to which such
7 person has been summoned by legal process (the upcoming DVRO hearing 17 Sept
8 2018, and Settlement Trial Jan 2019).

9
10 140. By use of Fraud (false reports of crimes, perjury), Marilyn Moreno and
11 Karl Nastrom corruptly (2) otherwise obstructed, influenced, or impeded the
12 official proceeding in the family court, and prevented Plaintiff (Brent
13 Oster) from filing a Federal Complaint, and (d)they intentionally harassed
14 Plaintiff (Brent Oster) by sending Police, Sheriff Officers and process
15 servers to his door 3-4 times a week between 8 Sept 2018 - 30 Oct 2018 -
16 thereby hindering, delaying, preventing, or dissuading Plaintiff (Brent
17 Oster) from (1)attending or testifying in an official proceeding (the
18 upcoming DVRO hearing 17 Sept 2018, and Settlement Trial Jan 2019) because he
19 was too afraid to live in his house because of this harassment, so he went to
20 live in Honduras with his fiancée (See Exhibit A, H).

21
22 141. Because of these false charges and arrest warrants, Plaintiff (Brent
23 Oster) was obstructed from a 17 Sept 2018 DVTRO Hearing (he would have been
24 arrested if he showed up), and the Moreno Attorneys prevented the testimony
25 of Plaintiff Brent Oster from being heard in this official proceeding.
26 Plaintiff (Kathia Oster)'s DVRO was made permanent under fraudulent, perjured
27 testimony in his absence. Shelley O'Brien (attorney) and Plaintiff (Kathia
28

1 Oster) were able to use this time with Judge Emede to commit blatant fraud
2 (submitted in Report):

- 3
- 4 a) Telling the Judge they wanted a prove-up on the DVTRO to make it
5 permanent without trial.
- 6
- 7 b) Making perjured testimony that Plaintiff (Brent Oster) had deliberately
8 missed a DVTRO hearing on June 11 as well as that day. Plaintiff (Brent
9 Oster) was obstructed from June 11 hearing by Karl Nastrom continuing
10 the DVTRO hearing (before the court reporter started) while Plaintiff
11 (Brent Oster) was in the court restroom.
- 12
- 13 c) On 17 Sept 2018, Plaintiff (Brent Oster) could not attend the DVRO
14 hearing because he would have been arrested immediately due to the
15 false reports to police resulting in charges and an arrest warrant.
16 Plaintiff (Brent Oster) hired attorneys 14 Sept, but they were unable
17 to find the hearing on the calendar, get information from Moreno, nor
18 attend it.
- 19
- 20 d) Marilyn Moreno, Shelley O'Brien and Plaintiff (Kathia Oster) had
21 conspired to commit perjury, and deliberately engineered this solo
22 hearing with a different lawyer, different judge to commit that perjury
23 and fraudulently obtain a permanent DVRO by bypassing due process.
- 24
- 25 e) They requested that Plaintiff (Kathia Oster)'s DVTRO be made permanent
26 without a trial in a prove-up, and admitted they were waiting to time
27 doing so with the (fraudulent) criminal charges being prosecuted
28 against Plaintiff (Brent Oster)

1
2 f) Falsely stating that Plaintiff (Brent Oster) had violated Plaintiff
3 (Kathia Oster)'s DVTRO ten times (without providing evidence)

4
5 g) Falsely stating that Plaintiff (Brent Oster) had said he was going to
6 kill Plaintiff (Kathia Oster)

7
8 h) Falsely claiming that Plaintiff (Brent Oster) had an office too close
9 to Plaintiff (Kathia Oster)'s 'school' in Santa Clara (UCSC Extension
10 classes)

11
12 i) Shelly demanded that Judge Emede extend the boundaries of her DVTRO to
13 get Plaintiff (Brent Oster) to 'move his office'

14
15 j) Plaintiff (Kathia Oster) said 'she could see his office from her
16 classroom'

17
18 k) Plaintiff (Brent Oster) has only ever worked from his house in Gilroy
19 and HAS NEVER HAD AN OFFICE. This was blatant perjury.

20
21 l) Falsely claiming that Plaintiff (Brent Oster) was in violation of the
22 DVTRO by having a firearm he had not surrendered.

23
24 m) Judge Emede looked at the records, found that all firearms had been
25 surrendered, and denied their request.

26
27 n) Coupled with their prior false claims that Plaintiff (Brent Oster) was
28 dangerous, and coming to kill Plaintiff (Kathia Oster), this could have

1 resulted in aggressive arrest and possibly harm to Plaintiff (Brent
2 Oster)

3
4 142. This permanent DVRO was used to make false charges against Plaintiff
5 (Brent Oster) (not even living in the USA at the time), and to threaten him
6 and dissuade him by sending police, aggressive servers and Sherriff's
7 officers to his house constantly between 8 Sept 2018 - 30 Oct 2018, causing
8 Plaintiff (Brent Oster) and his fiancée great distress as they watched them
9 from Honduras, through his remote security cameras, not having any idea why
10 strangers were constantly, aggressively pounding on his door.

11
12 143. These acts of Marilyn Moreno, her employees and the other operators of
13 the Enterprise and their conspirators, intimidating and corruptly persuading
14 Plaintiff (Kathia Oster) to make false reports to police and commit perjury
15 in the courts from June 2017 to Feb 2019, in order to retaliate against and
16 interfere with Plaintiff (Brent Oster) as a witness and prevent him from
17 testifying and appearing in court is in violation of the Attorney Code of
18 Conduct Chapter 3, Rules 3.1, 3.3, and 3.4, constituted criminal acts of
19 Perjury under California Penal Code Section 118, and false reports of crimes
20 under Penal Code 148.5, and so in these acts, Marilyn Moreno was acting
21 unlawfully outside of her attorney litigation privilege in the State of
22 California. Marilyn and her attorneys were misleading, threatening, and
23 intimidating her client to commit fraud in false police reports, perjured
24 statements in court documents and perjured statements in hearings.

25
26 144. They did so with the goal of Extortion (18 U.S. CODE § 1951) to steal
27 real-estate and other property from both Plaintiffs, and to interfere and
28 tamper with Plaintiff (Brent Oster) as a witness in State and Federal

1 proceedings to keep him from reporting their crimes to the Municipal Police,
2 DA, and FBI - in violation of (18 U.S. CODE § 1512) and to retaliate against
3 him for his lawful reporting to the State Bar, Municipal Police, DA, and
4 FBI, in violation of (18 U.S. CODE § 1513).

5
6 145. Hector Moreno, Marilyn Moreno, and their staff intimidated and
7 corruptly persuaded Kathia Oster to make many false reports of crimes, but
8 only a handful have been produced to Plaintiff (Brent Oster) by the DA
9 office (Exhibit L) and they were on 5 Sept 2017, 11 April 2018, 19 Jul 2018,
10 26 Jul 2018, 30 Aug 2018, but these were just the tip of the iceberg, and
11 Plaintiff (Brent Oster) has been unable to get further evidence of reporting
12 against him by these parties from the DA, nor any information on who at the
13 DA office prosecuted him, in violation of this 6th amendment rights to face
14 his accusers and the evidence against him.

15
16 146. Hector Moreno, Marilyn Moreno, and their employees used intimidation,
17 threats, and corruptly persuaded Plaintiff (Kathia Oster) their client, to
18 falsify reports to police From Jun 2017 through Feb 2019, and helped her
19 falsify documents which they submitted to the court, knowing there were
20 deliberately deceitful statements that they knew not to be true - in the
21 police reports and court documents. By doing so, the Moreno attorneys and
22 their subordinates committed State crimes of submitting false reports of a
23 crime, and perjury, fraud on the court.

24
25 147. Hector Moreno, Marilyn Moreno, and their employees used intimidation
26 and threats by falsely telling Plaintiff (Kathia Oster) that if she did not
27 falsify police reports and commit perjury in court - they would not be able
28 to get a decent asset settlement for her, that she could be in trouble for

1 the false claims that had been made in the DVRO and previous police reports.
2 In fact, it was Marilyn Moreno, Hector Moreno, and their employees that were
3 at risk of prosecution for their crimes, using her DVRO as a shield, a means
4 of getting charges against Plaintiff (Brent Oster) to interfere with, tamper
5 with and harass him as a witness to keep him from reporting them, or
6 testifying against them.

7
8 148. In violation of (18 U.S. CODE § 1512), in a pattern of racketeering,
9 Hector Moreno, Marilyn Moreno, and their employees used intimidation,
10 threats, and corruptly persuaded Plaintiff (Kathia Oster) to engage in
11 misleading conduct toward the Santa Clara Family Court by falsifying
12 statements in a DVRO petition 14 Sept 2017, committing perjury in a hearing
13 to get the DVRO made permanent 17 Sept 2018, and by filing an enormous number
14 of false reports of crimes (Exhibit A, Exhibit L), with intent to have
15 Plaintiff (Brent Oster) evicted from his home, harassed by police, arrested,
16 possible harmed by excessive force, and by doing so, (1) delay, or prevent his
17 testimony in the ongoing divorce proceeding and from making any Federal Civil
18 RICO complaints or reports to FBI, and (2) cause him to – (A) withhold
19 testimony about the assault on Plaintiff (Brent Oster's) person and withhold
20 testimony about the initiation of a pattern of Racketeering Activity (18
21 U.S.C. § 1962(c)) by Hector Moreno against Plaintiff in Sept 2017, and to
22 (3) hinder, delay, or prevent the communication to a law enforcement officer
23 (Municipal Police and/or FBI), or to a judge these facts.

24
25 149. Marilyn Moreno, Hector Moreno, their attorneys, and Kathia Oster at
26 various times even tried to claim Plaintiff (Brent Oster) was in unlawful
27 possession of firearms (in perjured court statements and in fraudulent police
28 reports), to elicit an arrest warrant and excessive force against Plaintiff

1 (Brent Oster) without any probable cause of being a threat nor intending any
2 harm towards Plaintiff (Kathia Oster) in any way, especially since he was
3 living in Honduras with his fiancée most of the time from separation in Sept
4 2017 to March 2019.

5
6 150. Hector and Marilyn Moreno and their attorneys used intimidation,
7 threats, and corruptly persuaded Plaintiff (Kathia Oster) to make these
8 false, exaggerated, inflammatory statements to police - falsely claiming
9 danger and risk of harm, with statements like "Husband is trying to get back
10 into her life so he can find her to harm her or kill her" (Exhibit A, Exhibit
11 L). These deliberate, malicious acts placed Plaintiff (Brent Oster) in danger
12 from police excessive force and a negligent police shooting because the
13 police and Sherriff were so deeply misinformed of the situation that they may
14 have reacted to an innocuous situation with excessive force just due to
15 discrimination against Plaintiff's disability (as per Sheehan v. City County
16 of San Francisco, No. C 09-03889 CRB).

17
18 151. Hector and Marilyn Moreno (working in conspiracy with their attorneys
19 Shelley O'Brien, Karl Nastrom, and Michael Moreno in the DA Office), used
20 intimidation, threats, and corruptly persuaded Plaintiff (Kathia Oster) to
21 make claims against Plaintiff (Brent Oster) to the Family Courts, and Police
22 that were false, and grossly and dangerously exaggerated, characterizing
23 Plaintiff (Brent Oster) as "bipolar and has no control over his emotions or
24 actions", "mentally ill and threatening her", "husband assaulted me",
25 "husband threatened to kill Plaintiff (Kathia Oster)" (Exhibit A-G), "trying
26 to re-enter her life to find her and harm or kill her" (Exhibit A-L). They
27 also tried to get the family court to find that Plaintiff (Brent Oster) was
28 in violation of a firearms relinquishment order (Exhibit A-I, pg 128), and

1 therefore by the combination of their false statements: he was fraudulently
2 represented to authorities as armed and dangerous, bipolar, with no control
3 over his actions, actively seeking Kathia to find her and kill her.

4
5 152. By the defendants knowingly providing this false information to
6 authorities and the court, and corruptly persuading Plaintiff (Kathia Oster)
7 to do so, this was a willful act of reckless endangerment and interfering /
8 tampering with and retaliating against a witness, willfully done with full
9 knowledge by the defendants, knowing that the results could be Plaintiff
10 (Brent Oster) being subjected to police excessive force and/or the victim of
11 a negligent (or intentional) shooting based on the malicious false
12 information that was given to law enforcement.

13
14 153. By using police and Sheriff's officers (Exhibit H) as a proxy, and
15 giving them such dangerously false and malicious information, including false
16 claims of DV, harm, and intent to harm in a perjured DVTRO, a fraudulently
17 obtained permanent DVRO, and false reports to police, Hector and Marilyn
18 Moreno were in violation of 18 US Code § 1513 - (a)(1)Whoever kills or
19 **attempts to kill** another person with intent to retaliate against any person
20 for - (A)the attendance of a witness or party at an official proceeding, or
21 any testimony given or any record, document, or other object produced by a
22 witness in an official proceeding; or (B)providing to a law enforcement
23 officer any information relating to the commission or possible commission of
24 a Federal offense;

25
26 this was also a crime of: 18 U.S. CODE § 1512 (a) (1)Whoever kills or
27 **attempts to kill another person**, with intent to - (A)prevent the attendance
28 or testimony of any person in an official proceeding; (B)prevent the

1 production of a record, document, or other object, in an official proceeding;
2 (C)prevent the communication by any person to a law enforcement officer or
3 judge of the United States of information relating to the commission or
4 possible commission of a Federal offense or a violation of conditions of
5 probation, parole, or release pending judicial proceedings; (2)Whoever uses
6 physical force or **the threat of physical force** against any person, or
7 attempts to do so, with intent to - (A)influence, delay, or prevent the
8 testimony of any person in an official proceeding; (B)cause or induce any
9 person to - (i)withhold testimony, or withhold a record, document, or other
10 object, from an official proceeding; (ii)alter, destroy, mutilate, or conceal
11 an object with intent to impair the integrity or availability of the object
12 for use in an official proceeding; (iii)evade legal process summoning that
13 person to appear as a witness, or to produce a record, document, or other
14 object, in an official proceeding; or (iv)be absent from an official
15 proceeding to which that person has been summoned by legal process; or
16 (C)hinder, delay, or prevent the communication to a law enforcement officer
17 or judge of the United States of information relating to the commission or
18 possible commission of a Federal offense;

19
20 154. The two Santa Clara Sherriff's officers that showed up on plaintiff
21 (Brent Oster's) door on 15 Oct 2018, and the reason why they were so far out
22 from their office, at his house 40 miles away in Gilroy need to be
23 investigated. They were casually dressed, on a Monday, acting outside their
24 official duties. Plaintiff (Brent Oster's) inquiries to the Santa Clara
25 Sherriff's department about the officers and the reason they were there have
26 only been answered with "We only saw that there was an arrest warrant and
27 DVRO to be served, and we cannot disclose anything about any reports we
28 received". Unless the Santa Clara County Sheriff's' Office randomly pulls

1 DVROs that need to be served out of a lottery every Monday - they were
2 probably only there because Hector or Marilyn Moreno had pulled some strings
3 at the County and/or sent some Sherriff Deputies they personally knew to 'pay
4 a visit'. The implications of the latter are chilling. "Mentally ill,
5 bipolar, spousal abuser with a permanent DVRO and DV charges against him, at
6 home alone, potentially armed and dangerous - resists arrest and Sheriffs'
7 officers had to use deadly force." Nobody would have asked any questions.

8
9 155. Brent's Honduran fiancée is a clinical psychologist in a hospital,
10 where she is accustomed to seeing violence and its results and dealing with
11 truly dangerous people. She also grew up in a tough neighborhood being
12 educated by her father and brother, both criminal lawyers, on how to watch
13 for aggressive behavior, and know when it was getting dangerous and how to
14 get away.



1 156. Watching this many people (on security cameras) coming to Brent's house
2 armed, and being aggressive, banging on doors, looking in windows, climbing in
3 his planters, acting with such urgency meant only one thing to her trained
4 eye - they wanted to kill him. She was probably right given the circumstances.

5
6 157. But the tragedy was, nobody had to even fire a shot - a life was still
7 lost. During most of 2018, during this hoax and misguided manhunt, Plaintiff
8 (Brent Oster) was simply living in Honduras (Exhibit A-L, page 163-165) with
9 his fiancée, and (beyond his obligations to help Kathia through spousal
10 support, and an occasional settlement offer) he did not want to communicate
11 with her, and especially did not want to find her. He had other priorities as
12 his fiancée was 3 months pregnant by Oct 2018. But the stress and worry of
13 watching these armed people coming and going to Plaintiff's house on security
14 camera for the past month raised her blood pressure to dangerous levels, she
15 could not safely take enough of the available blood pressure medication to
16 lower it, and the baby was miscarried.

17
18 158. There is no excuse for the events leading to this loss of life,
19 especially not by law enforcement actions because of a fraudulent DVRO and
20 false charges reported by a group of lawyers (widely known for their DV fraud)
21 corruptly persuading Plaintiff (Kathia Oster), police, and conspiring with the
22 DA to create a massive hoax about false danger to Plaintiff (Kathia Oster)
23 based only on a few simple electronic communications that were altruistic
24 attempts by Plaintiff (Brent Oster) to send money and settlement offers to her
25 and warn her of the criminal racketeering pattern that her attorneys were
26 using to defraud both of them. There never was ANY domestic violence by him,
27 never any intent to find her, let alone harm her, and never ANY danger,

1 the rest was falsifications, and this was a hoax and a conspiracy, done
2 criminally to willfully and knowingly interfere and tamper with Plaintiff
3 as a witness, retaliate against him for his reporting the crimes of the
4 defendants, and put him in fear for purposes of later Extortion.

5
6 159. No prosecutorial immunity nor attorney litigation privilege nor any
7 immunity for any profession protects against such willful, malicious,
8 criminal violations of 18 U.S. CODE § 1512, and 18 U.S. CODE § 1513, done by
9 defendant persons committing these crimes having full knowledge of their
10 tampering and interference, willfully, while being fully informed of these
11 accusations by plaintiff in e-mails, court filings, and in State Bar
12 reporting and police reporting that was forwarded to the defendants,
13 demanding they cease and desist in their unlawful actions (Exhibit B-A,
14 Exhibit A:C-H, Exhibit A:C-I).

15
16 160. Attorney immunities also do not apply to 18 U.S. CODE § 1512 and 18
17 U.S. CODE § 1513 because they require an affirmative defense, as per 18 U.S.
18 CODE § 1512(e) *In a prosecution for an offense under this section, it is an*
19 *affirmative defense, as to which the defendant has the burden of proof by a*
20 *preponderance of the evidence, that the conduct consisted solely of lawful*
21 *conduct and that the defendant's sole intention was to encourage, induce, or*
22 *cause the other person to testify truthfully.*

23
24 161. It is evidenced that Plaintiff (Kathia Oster) was being intimidated,
25 threatened, and corruptly persuaded to write the police reports because they
26 were written with complex language and used specific legal terms (like
27 "Exhibits", and "Risk of Harm", and other keywords to cause action by law
28 enforcement) that Plaintiff (Kathia Oster) would never have known or used on

1 her own because she has no legal training and she only uses simple, childlike
2 language when communicating. The 'decoration language' about false danger and
3 threats of harm in the police reports and DVRO petition is also very similar
4 from divorce case to divorce case with the Law Firms of Hector and Marilyn
5 Moreno and is like a signature (Exhibit D - Kathia & Tom Sorri Divorce
6 Records).





7
8 162. Also, Plaintiff (Kathia Oster) is simple and has a childlike demeanor
9 and does not take any action without explicit instructions and always asks 3-
10 4 times to confirm what to do, as their attorney-client communications would
11 show when we demand them in discovery. Hector and Marilyn Moreno put Kathia
12 in fear that she would not get a good settlement in the divorce (like Marilyn
13 Moreno did with Jenifer Ninan in her divorce - Exhibit E), and also in fear
14 that she could be prosecuted for her previous falsifications in her DVRO and
15 police reports (even from her first marriage), and she was intimidated,
16 threatened, and corruptly persuaded by Hector and Marilyn Moreno and their
17 employees with them directing her actions at every step though their crimes
18 in a racketeering pattern - by them and their fellow operators of the
19 Enterprise. Then Plaintiff (Kathia Oster) became their victim at the end and
20 was defrauded of all the property they promised her during the proceeding
21 when they laundered the funds, concealed the means of doing so, and concealed
22 who the funds were distributed to.

23
24 163. The Law Firms of Hector and Marilyn Moreno also did not have Plaintiff
25 (Kathia Oster) report violations when they occurred, which they would be
26 obligated to if there was actually a real risk of harm and they were made
27 aware of it. Instead, they had their client submit RO violations
28 strategically, to time them with their settlement and litigation goals. For

example, the RO violation filed against Plaintiff (Brent Oster) in Oct 2018, and Feb 2019 were reporting simple e-mail communications 6 weeks and 8 months prior (Exhibit L), but after being ignored for months, suddenly they were being reported as urgent and threatening and had to be acted on coincidentally right before key hearings and settlement conferences (or after if the Law Firms of Hector and Marilyn Moreno did not get what they wanted in the conference).

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View	Case Number	Case Style	Case Status	Case Type	Filing Date
	F1800464	The People of the State of California vs. OSTER, BRENT LEONARD	Active	Complaint - Family Violence	2/11/2019
	F1870472	The State of California vs OSTER, BRENT LEONARD	Active	Complaint - Family Violence	10/2/2018
	F1809789	The State of California vs OSTER, BRENT LEONARD	Active	Complaint - Family Violence	8/6/2018
	17FL003543	Kathla Oster vs Brent Oster	Active	Dissolution w/o Minor Children	9/14/2017

164. This is an ethical and legal breach, as in California, a lawyer "shall not threaten to present criminal, administrative, or disciplinary charges to obtain an advantage in a civil dispute." (California Rule of Professional Conduct 5-100(A) (2017)) and constitutes extortion under State law and Extortion (18 U.S. CODE § 1951) under the Hobbes Act.

165. Due to the Moreno Attorneys and Gomez Edwards interference, tampering, and harassment, it was 2020 before Plaintiff could bring any civil action in Federal Court regarding these wrongful acts. He filed a Complaint (3:20-CV-01125-JD) in US District Court in Jan 2020 and filed another (5:20-cv-07828-NC) in Dec 2020, with the first action joinder into it. He also made reports of the Moreno's crimes to the FBI (Exhibit F) with those filings as evidence.

166. Plaintiff (Brent Oster) was cautious and lived contiguously in Honduras Sept 2018 - March 2019 because he was told by his counsel if the DA kept

1 issuing charges, he would be subjected to repeated arrest, compounding the RO
2 violations, and he could be declared dangerous and either subject to
3 excessive force, killed, or incarcerated. In the case he is incarcerated, or
4 if he has fled the country to escape false and malicious prosecution (like
5 Plaintiff Brent Oster did), and he was NOT present at an asset settlement
6 trial, most of the assets could be awarded to the wife by default.

7
8 167. This is what the Law Firms of Hector and Marilyn Moreno were using
9 intimidation, threats, and corruptly persuaded their client to do, file RO
10 violations at regular intervals so that they appeared as charges with a 1-3
11 month spacing in Sept, Oct, and Feb. The 'last' violation was actually one of
12 the first e-mails Plaintiff (Brent Oster) sent 8 months prior, with just a
13 settlement offer to Plaintiff (Kathia Oster) (When Marilyn would not respond
14 to him after he sent an offer to her) that was used to make it look like
15 Plaintiff (Brent Oster) was a 3rd time offender, and claiming it showed he
16 was a danger.

17
18 168. Had he not stayed in Honduras, Plaintiff (Brent Oster) would have
19 accumulated $1 + 3 + 5 = 9$ RO violations minimum, with 3 arrests, and probably
20 would have been jailed without bail for the settlement trial, and if he was
21 able to appear, would have been cuffed like a dangerous prisoner. This is an
22 egregious example of racketeering criminal behavior by the operators of the
23 Enterprise - to use fraud in false reports to police, perjury in fraudulent
24 court filings, to misuse the justice system like this to bring malicious
25 prosecution, keep him out of country, commit fraud against him, to interfere
26 with, tamper with, and harass plaintiff as a witness, and put him in fear for
27 purposes of Extortion.

1 169. These false reports of crimes by the employees of the Moreno law firms
2 served to not only to influence, delay, and prevent the testimony and
3 communication of Plaintiff (Brent Oster) to law Federal enforcement (FBI
4 report on their Racketeering) and filing civil suits to a Federal judge
5 (3:20-CV-01125-JD, 5:20-cv-07828-NC and this RICO Civil Suit), it also caused
6 him to be absent from the divorce proceeding.

7
8 170. They were also to place him in fear so that Marilyn Moreno and her
9 employees could commit a crime of Extortion as defined by 18 U.S. CODE § 1951
10 (2) obtaining of property from another, with his consent, induced by wrongful
11 use of actual or threatened force, violence, or fear.

12
13 171. In Nov 2018, with Plaintiff (Brent Oster) living in Honduras, Karl
14 Nastrom filed for an ex-parte order to sell the Gilroy Home, that would give
15 \$60,000 to Plaintiff (Kathia Oster) and to pay their legal fees immediately.
16 They cited a dispute over retirement funds to provide impetus for the ex-
17 parte urgency (Exhibit K-3).

18
19 172. This order should not have been granted nor stipulated, as again,
20 Plaintiff (Brent Oster) was out of the country, under duress and in fear from
21 the Moreno Attorneys interference and retaliation (Exhibit A, Exhibit B,
22 Exhibit H) against him via false criminal charges and false DVRO and was
23 forced to agree to a stipulation that was created from the fraudulent claims
24 of Marilyn Moreno and Karl Nastrom, without him having any ability to provide
25 his arguments and evidence in the matter (Exhibit K-3).

26
27 173. Insolvent because of the costs of the expensive divorce litigation,
28 having no income for a year and having to live abroad, Plaintiff (Brent

1 Oster) had no money to pay bail until late Feb 2019 and could not come back
2 without being jailed because of the charges and arrest warrants. During this
3 time, he was in Honduras, could not find income for himself nor his startup
4 company, and this cost him further wage loss, caused him to be unable to pay
5 his mortgage and he incur penalties, and delayed the launch of his startup.

6
7 174. Plaintiff (Brent Oster) spent from Nov 2018 till March 2019 blindly
8 sending many factual reports and overwhelming amounts of exculpatory evidence
9 to authorities and lobbying them to ask them stand down on enforcing
10 Plaintiff (Kathia Oster) and the Moreno attorneys false claims (that he was
11 coming to harm her), so he could have a civil surrender and not be arrested
12 nor jailed. There was no response from authorities.

13
14 175. Because of this, Plaintiff (Brent Oster) was not in the US and could
15 not attend the settlement hearing on 9 Jan 2019 nor could he attend a
16 scheduled settlement trial on 14 Jan 2019. He was under duress and in fear
17 because:

- 18 a. He was out of country since Sept 2018, and since then, Plaintiff
19 (Kathia Oster) (advised by Marilyn Moreno and her attorneys) filed many
20 false criminal charges against him. They showed no sign of stopping
21
22 b. He was facing arrest and jail on return due to their false report of a
23 crime (including lies that he was dangerous and coming to kill Plaintiff
24 Kathia Oster).
25
26 c. They made these false claims and filed false report of a crime despite
27 knowing he was out of the US, living with his fiancée in Honduras.
28

1 176. Plaintiff (Kathia Oster)'s attorneys, Marilyn Moreno and Karl Nastrom
2 were threatening to go to the settlement trial 14 Jan 2019 and take all the
3 assets from Plaintiff (Brent Oster) because he could not be physically there
4 to assert any claims on them (Exhibit H).

5
6 177. It was under these conditions of fear, with Plaintiff (Brent Oster) not
7 even present at the settlement hearing, and his attorneys telling Plaintiff
8 (Brent Oster) he had to settle (Exhibit H) or he could get only \$50,000 or
9 less at the trial if he were not physically present to 'carry his burden',
10 that Plaintiff (Brent Oster) was forced to accept an unlawful settlement
11 offer (Exhibit K-4) in a hearing on 9 Jan 2019. This was a crime of Extortion
12 against Plaintiff (Brent Oster) by Marilyn Moreno and Karl Nastrom, as
13 defined by 18 U.S. CODE § 1951 (2) obtaining of property from another, with
14 his consent, induced by wrongful use of actual or threatened force, violence,
15 or fear.

16
17 178. Subsequent evidence submitted by Plaintiff (Brent Oster) has shown that
18 the majority of Plaintiff (Kathia Oster)'s / Moreno's claims were false, and
19 that the few that were true were harmless communications by Plaintiff (Brent
20 Oster), like putting 'Merry Christmas' on a bank transfer as a comment, or
21 sending settlement offers by e-mail. There was no DV or threat of harm by
22 Plaintiff (Brent Oster), EVER. He was never near Kathia, nor wanted to be.

23
24 179. When Marilyn Moreno threatened to remove Plaintiff (Brent Oster) and
25 force the sale of his house in March 2018, plaintiff replied to her with a
26 blunt letter about the level of prosecution and the cost of the lawsuit he
27 would bring against her and his lawful right to do so. Marilyn Moreno quit
28 the divorce suddenly on 24 March 2019, leaving Kathia Oster self-represented

1 for 2 weeks. Brent framed the e-mail with the threat of a restraining order
2 from Marilyn Moreno and put it in his wall.

3
4 180. Marilyn's Nephew Michael Moreno quit the DA Office in his role as a DA
5 prosecutor in the same 2019 time period (and came to work for Marilyn in the
6 Moreno Family Law Firm), and Karl Nastrom quit the Moreno Family Law Firm and
7 stopped practicing law. His LinkedIn shows he is working as a schoolteacher
8 as of 2020. Something big went down in the racketeering Enterprise in March
9 2019 that shook up the DA Office and the Moreno Family Law Firm which the FBI
10 need to investigate.

11
12 181. Although Plaintiff's reporting did not result in explicit prosecution,
13 there were internal actions at the DA that originated from the events in
14 March 2019, that resulted in Michael Moreno leaving the DA Office, and that
15 were concealed from plaintiff and the public. This is clear evidence that
16 there was a connection, and that these parties were engaged in a racketeering
17 Enterprise which got disrupted in March 2019. The events in the DA office and
18 Moreno Family Law Firm in Sept 2018 - March 2019 need to be investigated by
19 the FBI, as there was significant criminal racketeering activity that was
20 concealed by the DA Office and others.

21
22 182. On multiple occasions from June 2017 to Feb 2019, in violation of 18
23 U.S. CODE § 1512, Hector and Marilyn Moreno used intimidation, threats, and
24 corruptly persuaded Plaintiff (Kathia Oster) to engage in misleading conduct
25 toward the Santa Clara Family Court by falsifying statements in a DVTRO
26 petition, and in misleading conduct towards Gilroy Police and the Santa Clara
27 DA by making false reports of crimes, doing so with intent to (1) delay, or
28 prevent Plaintiff (Brent Oster's) testimony in the ongoing divorce

1 proceeding, in Federal proceedings, and (2) cause him to - (A) withhold
2 testimony, and to (3) hinder, delay, or prevent the communication of their
3 crimes to a law enforcement officer (FBI about Federal crimes and the
4 Racketeering activity) or judge for a Federal civil case.

5
6 183. In 2020, Plaintiff was finally able to file two Federal Civil Cases
7 (3:20-CV-01125-JD, 5:20-cv-07828-NC) and to make full reports to the FBI in
8 San Francisco citing these civil cases as evidence. He is only now filing
9 this RICO complaint. It took this long because his life has been completely
10 disrupted by the actions of Hector and Marilyn Moreno, and their fellow
11 operators and conspirators in the Racketeering Enterprise (See Exhibit G -
12 Pain and Suffering, and Exhibit N - Evidence of Interference and Tampering).

13
14 184. Plaintiff (Brent Oster) was well aware of the Moreno's racketeering
15 pattern from the start, having seen it in Kathia's previous divorce (and
16 hearing about the details from her for 8 years after). Plaintiff (Brent
17 Oster) planned aggressive legal reporting and litigation from the moment he
18 saw Hector Moreno's name on the divorce petition and DVRO on 17 Sept 2017,
19 but his efforts to report Hector and Marilyn to Municipal, State, and Federal
20 authorities and litigate against them in State and Federal courts were
21 interfered and tampered with at every step by Hector and Marilyn Moreno, and
22 the other operators and conspirators in the Racketeering network, with
23 vicious retaliation against Plaintiff whenever he did manage to file reports
24 and lawsuit complaints (Exhibit B Reporting and Litigation, Exhibit G - Pain
25 and Suffering , Exhibit N - Evidence of Interference and Tampering).

26
27 185. In Exhibit G, Plaintiff Brent Oster shows how egregious their acts of
28 interfering and tampering interfering, harassing (18 US Code § 1512), and

1 retaliating (18 US Code § 1513) against him as a witness have been. He has
2 been evicted or forced in fear from his home no less than 5 times, harassed
3 by police and county sheriffs when in his home, had charges brought against
4 him by false reports of crimes and false reports of him posing a danger to
5 Plaintiff (Kathia Oster). He had to live 70% of 2017 - 2021 out of country to
6 feel safe - and has had his life savings completely depleted in this process.
7 Plaintiff (Brent Oster) brings this RICO action despite these vicious acts,
8 and despite the risk of further against himself.

9
10 186. In Exhibit H, Exhibit G, Exhibit N, Plaintiff shows the defendant
11 parties knowingly and willfully committed predicate crimes of intimidation
12 and tampering with a witness (18 US Code § 1512), and retaliation against a
13 witness (18 US Code § 1513), and conspired (18 US Code § 1962(d)) with other
14 persons operating the Enterprise to commit these crimes, increasing their
15 efforts after he filed (3:20-CV-01125-JD Brent Oster vs Santa Clara District
16 Attorney et al). He was driven from his home by the defendants in this
17 complaint, became a refugee, and had to beg the court's permission to extend
18 the deadline to file a response in that case (Exhibit N), which was
19 dismissed.

20
21
22 **STATEMENT OF FACTS - PART 1c**

23 **HECTOR AND MARILYN MORENO**

24 **CLAIMS ARE NOT RES ADJUDICATA**

25 **HECTOR AND MARILYN MORENO FORFEITED IMMUNITIES**

26
27 187. The claims in this complaint against the Moreno Attorneys are NOT Res
28 Adjudicata, because in the previous State Civil Suit, 19CV356322 Brent Oster

FIRST AMENDED COMPLAINT 18 U.S. CODE § 1961 (RICO) ACT RACKETEER INFLUENCED AND
CORRUPT ORGANIZATIONS ACT 42 U.S. CODE § 1983 - 75

1 vs Moreno Family Law Firm et al., that complaint was not given due process of
2 law, and was instead stricken prematurely based on State Anti-SLAPP CCP §
3 425.16, with Judge Manoukian not allowing Plaintiff's amended complaint
4 (comprising the majority of the claims and evidence against them) into the
5 proceeding to be considered.

6
7 188. There has also been significant evidence compiled since that case
8 concluded, regarding wrongful acts and criminal behavior against plaintiffs
9 (and others) by the Hector and Marilyn Moreno and their employees and
10 subcontractors, including violations of the Attorney Code of Conduct,
11 violation of State laws, and violation of Federal Laws, especially those that
12 fall under RICO.

13
14 189. The acts of Hector Moreno and Marilyn Moreno advising their clients to
15 falsify reports to police and working alongside them to commit crimes like
16 perjury to the courts is in violation of the Attorney Code of Conduct Chapter
17 3, Rules 3.1, 3.3, and 3.4, and constitute criminal acts of Perjury under
18 California Penal Code Section 118, and false reports of crimes under Penal
19 Code 148.5, and so in these acts, Hector Moreno and Marilyn Moreno and their
20 employees were acting unlawfully outside of their professional capacity as
21 attorneys, creating an exception to their litigation privilege and
22 immunities.

- 23 • Rule 3.1(a)(1) "A lawyer shall not bring or continue an action, conduct a
24 defense, assert a position in litigation, or take an appeal, without
25 probable cause and for the purpose of harassing or maliciously injuring
26 any person"

1 • Rule 3.3(a)(1) "A lawyer shall not knowingly make a false statement of
2 fact or law to a tribunal or fail to correct a false statement of
3 material fact or law previously made to the tribunal by the lawyer"

4
5 • Rule 3.3(a)(3) "A lawyer shall not offer evidence that the lawyer knows
6 to be false... and if the lawyer comes to know of its falsity, the lawyer
7 shall take reasonable remedial measures".

8
9 • Rule 3.3(d) In an ex parte proceeding where notice to the opposing party
10 in the proceeding is not required or given and the opposing party is not
11 present, a lawyer shall inform the tribunal of all material facts known
12 to the lawyer that will enable the tribunal to make an informed decision,
13 whether or not the facts are adverse to the position of the client.

14
15 • Rule 3.4(c) "A lawyer shall not falsify evidence, counsel or assist a
16 witness to testify falsely, or offer an inducement to a witness that is
17 prohibited by law"

18
19 190. By violating the Attorney Rules of Professional Conduct (each instance
20 annotated in the Statement of Facts), committing State and Federal Crimes,
21 including crimes of Racketeering under 18 U.S. Code § 161 and 18 U.S. CODE §
22 1961 (c), (d) with a pattern of predicate crimes of Fraud (deceit,
23 concealment, perjury, false reports of crimes), Tampering with a Victim or
24 Witness (18 U.S. CODE § 1512), Retaliation against a witness (18 U.S. CODE §
25 1513), Extortion(18 U.S.C. § 1951), and Money Laundering (18 U.S. CODE §
26 1956, 18 U.S. CODE § 1957), the Moreno Attorneys were acting outside their
27 professional capacity as lawyers, especially since (18 U.S. CODE § 1512), (e)
28 applies - In a prosecution for an offense under this section, it is an

FIRST AMENDED COMPLAINT 18 U.S. CODE § 1961 (RICO) ACT RACKETEER INFLUENCED AND
CORRUPT ORGANIZATIONS ACT 42 U.S. CODE § 1983 - 77


1 affirmative defense, as to which the defendant has the burden of proof by a
2 preponderance of the evidence, that the conduct consisted solely of lawful
3 conduct and that the defendant's sole intention was to encourage, induce, or
4 cause the other person to testify truthfully. As such, any protections they
5 had in their professional capacity, including litigation privilege, Anti-
6 Slapp, etc no longer apply, and they are liable for their criminal and
7 damaging actions.

8
9 191. Hector and Marilyn Moreno's actions, and the actions of their
10 employees, subcontractors, or conspirators cannot be construed as being done
11 under protection of litigation privilege, nor litigating vigorously on behalf
12 of their client, Plaintiff (Kathia Oster), as their actions only served to
13 deprive her of property and leave her with a settlement that resulted in her
14 getting a fraction of what she would have in the lawful settlement that was
15 offered to her before their involvement (Exhibit K). As of Aug 2021, Kathia
16 is struggling, and unable to make payments on the mortgage on her other small
17 home and is in danger of losing it. Plaintiff (Brent Oster), who guaranteed
18 the load for Kathia (to pay of her previous debt to the Morenos for their
19 fees in litigating her first divorce), had to intervene in Aug 2021 and get
20 the bank to agree to a 3-month forbearance till Nov, while a solution is
21 found.

Mortgage - 0875

\$103,532.44

Current principal balance

Notifications **Your Payment Status**

Your payments are postponed through Nov 30, 2021. During this time, your statements may show past due balances, even though you aren't required to make payments during the postponement period. We're here to help if you have questions or want to discuss your payment options.

Payment infoPayment due date ¹

Jul 1

Regular monthly payment

\$1,137.55**Make payment****Details**Total amount due ³**\$2,275.10****Account Services**

Manage PayPlan

Request a payoff

Send us a message

More services

Loan Summary

Loan type

CONVENTIONAL RES WITHOUT PMI /...

Current interest rate

3.75%

More loan information

192. Kathia has no income, no savings, and faces a bleak future due to the actions of her attorneys. She is a victim of their RICO crimes, had significant property taken by them and the other operators and conspirators of their enterprise, and as such, she is suing them as an involuntary plaintiff in this action. None of her attorney's immunities nor litigation privilege cannot provide any excuse nor legal protection against civil and criminal liability for such blatant crimes against their own client.

193. By law, professional service providers such as accountants and attorneys are not immune from liability under the Racketeer Influenced and Corrupt Organizations Act ("RICO"). Courts have interpreted and applied RICO's broad prohibitions liberally, leaving professionals susceptible to criminal prosecutions and civil actions for treble damages.

- a) Pub L No 91-452, 84 Stat 922, 941 (1970), codified as amended at 18 USC §§ 1961- 1968 (1988 & Supp 1992).

- 1 b) See 18 USC § 1963 (criminal penalties); 18 USC § 1964(d) (civil
2 damages).
- 3 c) 18 USC § 1962(c).
- 4 d) 113 S Ct 1163, 1173 (1993).
- 5 e) 'The Reves Court specifically noted that its holding did not close the
6 door on professionals' § 1962(c) liability. Id.

7
8
9 **STATEMENT OF FACTS - PART 2**

10 **SANTA CLARA DISTRICT ATTORNEY OFFICE**

11 **MICHAEL MORENO**

12
13 194. During the time that Marilyn Moreno and her attorneys were litigating
14 against Brent Oster in family court, Michael Moreno, from his role as a DA
15 prosecutor in the Santa Clara DA Family Violence Unit, was criminally
16 conspiring with Hector and Marilyn Moreno in their roles as managers of the
17 racketeering Enterprise - to maliciously prosecute Plaintiff with fraudulent
18 423(e) and 273.6(a) charges.

19
20 195. Even if Michael Moreno was only involved in a Moreno family dinner
21 discussion about Plaintiffs (Brent Oster or Kathia Oster), or they otherwise
22 discussed any aspect of Plaintiffs' divorce case, and/or any of them
23 communicated in any way with any other staff at the DA office about
24 Plaintiffs (Brent Oster or Kathia Oster), then by doing so he was conspiring
25 and colluding with the racketeering Enterprise - even if he did not commit a
26 predicate act" (CGC Holding Co., LLC v. Broad and Cassel, 773 F.3d 1076, 1088
27 (10th Cir. 2014)).

1 196. Governmental agents have a great deal of discretion when deciding how
2 to exercise the powers of the government. When a government agent engages in
3 Extortion "under color of official right," he is essentially using the
4 governmental powers with which he has been trusted to gain personal or
5 illegitimate rewards. "In order to prove Hobbs Act Extortion 'under color of
6 official right,' 'the [plaintiff / prosecutor] need only show that a public
7 official has obtained a payment to which he was not entitled, knowing that
8 the payment was made in return for official acts.'" United States v. Urban,
9 404 F.3d 754, 768 (3d Cir. 2005).

10
11 197. The DA Office has refused plaintiff's requests for discovery
12 surrounding Michael Moreno's employment and especially the termination of it
13 in Feb-Mar 2019 when Marilyn Moreno resigned from Plaintiffs' divorce.
14 Refusing to disclose this information is in violation of Brady's Law, as this
15 is exculpatory evidence in the criminal cases against plaintiff (Brent
16 Oster), and withholding this evidence constitutes obstruction of justice by
17 the DA Office in this RICO complaint and Plaintiff's previous federal cases.

18
19 198. The DA Office are in violation of Plaintiff (Brent Oster's) Sixth
20 Amendment rights to face the accusations and witnesses against him, to have a
21 speedy trial (3 years later, no trial), and his Fourteenth Amendment Rights
22 to due process of law before being deprived of liberty or property and equal
23 protection of the laws. The DA Office of Santa Clara is also concealing
24 evidence, obstructing justice, and specific individuals, including Michael
25 Moreno are conspiring with the operators of the racketeering Enterprise in
26 violation of 18 U.S.C. § 1962(d).

1 199. Plaintiff (Brent Oster) is requesting that the Attorney General serve a
2 CID on the Santa Clara DA Office according to Title 18, United States Code,
3 Section 1968(a) to obtain the requested discovery (Exhibit J).

4
5 200. Because of the flawed prosecution Policy of the DA Office and due to
6 lack of oversight, they did not properly exercise prosecutorial discretion to
7 prevent violation of Constitutional rights and stop crimes of conspiring with
8 operators of a racketeering enterprise by Michael Moreno and others when
9 prosecuting DV-related crimes, with that activity done for the benefit of the
10 racketeering Enterprise, whether or not he was operating or managing it.

11
12 201. The accusations against plaintiff were filed as charges against
13 plaintiff without due process of law, without probable cause, and despite
14 extensive exculpatory evidence, violating his Fourteenth Amendment rights,
15 depriving him of liberty and property without due process of law. Police and
16 the DA Office also denied plaintiff the equal protection of the laws,
17 refusing to prosecute any of his valid and well evidenced police reports.

18
19 202. The DA Office violated plaintiff's Sixth Amendment rights because
20 plaintiff could not get the actual police reports or any reports of the
21 accusations against him for a full 12 months after he was charged, nor get a
22 speedy trial, and is still waiting, 30 months after he was accused, for a
23 trial on the criminal charges in Criminal Court and 36 months for a trial on
24 the DV charges in Family Court.

25
26 203. While waiting for trial, plaintiff has been subjected to extensive
27 Prosecutorial Misconduct by the DA Office, including:
28

- 1 a. Not having the extensive exculpatory evidence submitted on his behalf
2 considered in the prosecution decisions against him.
3
- 4 b. Not having additional exculpatory evidence that was submitted since -
5 considered in the prosecution decision, against him.
6
- 7 c. Plaintiff not being exonerated, despite that clearly, the charges were
8 no longer supported by probable cause now that admissible evidence was
9 insufficient to support conviction beyond a reasonable doubt, and that the
10 decision to charge was not in the interests of justice.
11
- 12 d. The DA office not providing exculpatory evidence (that they refuse to
13 release to plaintiff when asked for it), nor consider in the prosecution,
14 which are Brady violations, a felony crime that can each result in a 3-
15 year sentence for a prosecutor.
16
- 17 e. The DA Prosecution showed selective prosecution in not prosecuting any
18 of the police reports that the plaintiff submitted, even with strongly
19 evidenced claims of crimes that he reported that were committed against
20 him including battery, fraud, perjury, and Extortion.
21
- 22 f. The DA Office are also in violation of 42 U.S. Code §12132 -
23 Discrimination, because many of the statements made about Plaintiff (Brent
24 Oster) in the deceitful police reports by the Moreno Attorneys and their
25 client were used to discriminate against him because he is Bipolar. The
26 deceitful statements misconstrued him being bipolar to mean he was
27 dangerous and was trying to find his spouse to kill her - which was
28 completely false, and not supported by any evidence. The DA Office and

1 Police acted on these deceitful statements, despite all exculpatory
2 evidence showing they were false - discriminating against Plaintiff, Brent
3 Oster just because he was Bipolar. Brent was in Honduras, living with his
4 new fiancée most of 2018-2019.

5
6 g. The DA Prosecution engaged in coercive plea bargaining, by pressuring
7 plaintiff in Early 2019 to accept a plea bargain or face further
8 prosecution for additional RO violations and/or a long delay in waiting
9 for trial.

10
11 h. The DA Prosecution also did not drop the charges when the criminal
12 courts became incapable of giving Plaintiff a speedy trial due to the
13 COVID measures delaying hearings and trials, in violation of his SIXTH
14 Amendment rights.

15
16 204. These wrongful acts need investigation by FBI/DOJ, as the Santa Clara
17 County DA Office did not officially investigate Michael Moreno's involvement
18 and did not take any official remedial action. Plaintiff has requested all
19 information about disciplinary action vs Michael Moreno in Sept 2018 - Mar
20 2019 from the DA office but was refused this information, on multiple
21 occasions.

22
23 205. This is important exculpatory evidence in the criminal cases vs
24 Plaintiff - evidence that is being concealed by the DA Office - which is a
25 serious Brady Violation, as well as concealing evidence from being discovered
26 in the previous civil lawsuit vs the County and DA (3:20-CV-01125-JD, 5:20-
27 CV-07828-NC), and in this action.

1 206. Plaintiff (Brent Oster) asks the US Attorney General to serve notice on
2 the Santa Clara DA Office that this discovery (Exhibit J) be produced via
3 RICO's CID Provisions, Title 18, United States Code, Section 1968(a).

4
5 207. By NOT giving plaintiff a speedy trial (3 years later, still no trial),
6 and not exercising prosecutorial discretion and not dropping the charges
7 against him when COVID and other events meant they could not facilitate a
8 speedy trial, the Santa Clara County DA prosecution is acting with deliberate
9 indifference in violation of plaintiff's Sixth Amendment rights.

10
11 208. By so doing, the DA Office is also interfering and tampering with
12 plaintiff (Brent Oster) as a witness to keep him from testifying and
13 litigating against the operators of the racketeering Enterprise (with which
14 some of their past and possibly present employees are conspirators), claiming
15 their prosecutorial immunity protects them (and by proxy the individuals
16 operating the Enterprise) from such claims - unless plaintiff (Brent Oster)
17 has a criminal trial and is exonerated, which they are withholding from him.

18
19 209. These criminal charges (and the DVRO) against Plaintiff (Brent Oster)
20 have caused damages being on plaintiff's public record as they have greatly
21 impeded his efforts to find funding for his company and to find employment as
22 a Senior Engineer, as background checks are necessary for both. Threat of
23 constant police action and/or being evicted from his house and having to live
24 out of country has also impeded his efforts to gain an income, leading
25 directly to damages for past and future lost wages and reduced earning
26 capacity in the future.

1 210. And all these actions by the racketeering Enterprise consisting of
2 these Defendant persons in this action, and the agents acting under the color
3 of law that conspired with them and brought harm to Plaintiff, Brent Oster -
4 also left his ex-wife Kathia financially broke, with no spousal support,
5 because plaintiff could not come back to the US and work and earn money and
6 help her financially. Four lives were impacted and one of those lives lost -
7 just for profit in a criminal racketeering Enterprise by the unethical Moreno
8 Attorneys and their conspirators committing crimes under Federal and
9 California Law and in violation of both Plaintiff's constitutional rights.

10
11 **CLAIMS AGAINST SANTA CLARA DA**

12 **AND MICHAEL MORENO ARE RELEVANT**

13
14 211. The claims in this lawsuit vs the County of Santa Clara and the Santa
15 Clara DA Office are NOT Res Adjudicata, as in the previous Federal Civil
16 Suit, (20-CV-01125-JD Brent Oster vs Santa Clara District Attorney et al), as
17 the county has not produced any evidence exonerating Michael Moreno from
18 malicious prosecution of plaintiff, and from acting outside his role as a
19 prosecutor in the family violence unit, despite Plaintiff's evidence that
20 Michael Moreno was involved unlawfully in his prosecution and the prosecution
21 of other Moreno Law Firm opponents. Plaintiff is requesting that the Attorney
22 General serve a CID on the Santa Clara DA Office according Title 18, United
23 States Code, Section 1968(a) to obtain the requested discovery (Exhibit J).

24
25 212. The DA Office and South County criminal court refuse to give plaintiff
26 a trial in his criminal matters, a full 3 years after charges were filed
27 against him, and by so acting, continue to violate plaintiff's 6th Amendment
28 rights and by doing so interfere, tamper, and obstruct him as a witness and

1 in his ability to litigate in this complaint by claiming "he must resolve the
2 criminal charges first" before prosecuting any claims based on the criminal
3 matters, including the actions of others that leveraged those charges for
4 Extortion in the divorce, and Interfering with a Witness in these Federal
5 Cases.

6
7 213. The DA Office and individuals working at it are obstructing justice and
8 interfering with Plaintiff from litigating against the racketeering
9 Enterprise and by doing so conspiring with the Enterprise to violate RICO -
10 by adopting the goal of furthering the Enterprise, "even if the conspirator
11 does not commit a predicate act" (CGC Holding Co., LLC v. Broad and Cassel,
12 773 F.3d 1076, 1088 (10th Cir. 2014)). The county and DA are obstructing
13 justice by preventing plaintiff from bringing this (and other) actions to
14 keep plaintiff from recovering damages against them, and from the operators
15 of the racketeering Enterprise, effectively giving the unlawful Enterprise
16 protection.

17
18 **STATEMENT OF FACTS - PART 3**

19 **JUDGE JULIE EMEDE**
20

21
22 214. When the Moreno Attorneys, and the Defendant persons conspiring with
23 them in the racketeering Enterprise instigated malicious prosecution efforts
24 against Plaintiff (Exhibit A, Exhibit A-H-A), he left the country in Sept
25 2018 for his own safety to go live with his fiancée in Honduras. Once he did
26 this, he could not safely come back to the USA to appear at his Family Court
27 hearings because the Moreno Attorneys and the Racketeering Enterprise
28 defendants kept corruptly influencing Plaintiff (Kathia Oster) in filing and

1 prosecuting charges against him, in Sept 2018, Oct 2018, and Feb 2019, with
2 excessive bail he could not afford, especially if he had come back to the US
3 and kept getting re-arrested.

4
5 215. This caused him to be physically unable to attend several hearings in
6 Family court and because of this, orders and stipulations were made in his
7 absence. It was the only choice he had because the deceitful claims of the
8 Moreno Attorneys that falsely made him out to be mentally ill, dangerous,
9 armed and coming to harm or kill his ex-wife. Because of police and the DA
10 maliciously prosecuting Plaintiff based on this (somewhat obvious) deceit.
11 plaintiff could have been harmed or killed by the use of excessive force by
12 police. He was safe in Honduras with his fiancée the whole time, Sept 2018 to
13 March 2019, starting a new life and working on his startup company, and he
14 was not a threat to anyone.

15
16 216. From the Evidence vs the Moreno Attorneys (Exhibit A-I): On 17 Sept
17 2018, Kathia Oster, and Shelly O'Brien (Moreno Family Law Firm) attended a
18 status hearing in the Family Justice Center and asked for a prove-up to make
19 the DVRO against Plaintiff permanent without his presence or input (Exhibit
20 G), as they deliberately excluded him from the hearing by getting two charges
21 and an arrest warrant issued the week before.

22
23 217. In the full transcript of the hearing (Exhibit A-I) we can see that
24 there were only 8 statements by Judge Emede and Kathia Oster and her counsel
25 from the moment when Katia Oster was sworn in, till Judge Julie Emede was
26 ready to grant a permanent restraining order against Plaintiff, with zero
27 evidence submitted (Exhibit A-J). This was in blatant violation of plaintiff
28 Brent Oster's 14th amendment rights and an act of tampering with and

1 retaliating against a witness by Judge Emede, acting in collusion with the
2 operators of the Enterprise, outside of her official Judicial duties. She
3 failed to uphold the Constitution of the US, especially the 14th Amendment
4 and Supremacy Clause in her 'judgement'.

5
6 218. That was the entirety of the due process of law in Judge Emede's Court
7 17 Sept 2018, to deprive Brent Oster of 5 years of liberty, \$15,000 in
8 property immediately, and by conspiring with Marilyn Moreno and her attorneys
9 to a Extort a \$1.3M house from Plaintiff (Brent Oster) later, and almost cost
10 him his life. This was a pre-staged hearing. Judge Emede was a conspirator of
11 the racketeering Enterprise, specifically brought in on this one-of hearing
12 to bias the outcome and rule against plaintiff (Brent Oster).

13
14 219. By making a deceitful assertion to the court in this hearing (Exhibit
15 A-I) that Plaintiff was in possession of a firearm (to specifically
16 maliciously prosecute him by obtaining a judge's finding that he was), and
17 the Moreno Attorneys also making concurrent deceitful assertions to the
18 police and DA that Plaintiff was mentally ill (discrimination), dangerous,
19 and actively trying to find Kathia Oster and harm or kill her, the operators
20 of the racketeering enterprise were intentionally, by deceptions to all parties,
21 and malicious prosecution via them, trying to have Plaintiff aggressively
22 arrested and perhaps killed by excessive police force by fraudulently
23 representing his disability (bipolar) as meaning he was dangerous and going
24 to kill Kathia. This was dissuasion and intimidation of a witness and
25 reckless endangerment, perhaps attempted murder by their crimes of perjury
26 and false report of a crime.

1 220. See Exhibit A for the abbreviated filing on wrongdoings by the Moreno
2 Attorneys. See (Exhibits A-G, Exhibit B-B, Exhibit B-C, Exhibit B-D) for the
3 abridged version of the Complaint about Judge Julie Emede to the Commission
4 for Judicial Performance.

5
6 221. At a Dec 5th hearing on that motion to set-aside the permanent DVRO
7 order, Judge Julie Emede refused to set aside her decisions in the 17 Sept
8 2018 hearing (Exhibit A-K), and confirmed her original decision, in full
9 knowledge that in the 17 Sept hearing, Plaintiff did not have due process of
10 law (14th Amendment violation), did not have a fair and speedy trial in the
11 DVRO (6th Amendment), did not get to face the accusations against him, and he
12 did not have assistance of counsel, and thereby his Second, Sixth, Eighth,
13 and Fourteenth Amendment rights had been violated with deliberate
14 indifference on 17 Sept 2018 by her actions in that DVRO hearing, and now she
15 was violating those rights for a second time by refusing to set her order
16 aside, confirming she was violating plaintiff's constitutional rights with
17 deliberate indifference, and conspiring with the operators of the Enterprise
18 by adopting the goal of furthering the Enterprise, "even if the conspirator
19 does not commit a predicate act" (CGC Holding Co., LLC v. Broad and Cassel,
20 773 F.3d 1076, 1088 (10th Cir. 2014))

21
22 222. Judge Emede violated 42 USC § 12132 by discriminating against Brent's
23 disability in the decisions where she showed deliberate indifference to that
24 disability, made judgements based on claims that Plaintiff was dangerous just
25 because he was bipolar, and ignored his rights as a disabled person, and made
26 judgements without Brent having any input nor evidence presented.

1 223. This incident, and Judge Julie Emede need to be investigated by the FBI
2 / DOJ because of her conspiracy with the operators of the Racketeering
3 Enterprise, and her deliberate indifference in violating plaintiff's
4 Fourteenth Amendment rights and rights under 42 USC § 12132.

5
6
7 **STATEMENT OF FACTS - PART 4**

8 **GOMEZ EDWARDS**

9
10 224. Gomez-Edwards Law Group were the "Hired Guns", brought in when Marilyn
11 Moreno left the case in March 2019 - brought in to finish the dirty work for
12 her and get the Gilroy home sold and to get the money for Marilyn and the
13 other operators of the racketeering enterprise. Natalie Gomez and Lauren
14 Edwards, comprising Gomez-Edwards Law Group represented Kathia Oster from
15 April 2019 onwards, conspiring with Marilyn Moreno, and acting on behalf of
16 the racketeering enterprise to complete the forced sale of the Gilroy home
17 according to the unlawful orders obtained by the Moreno's Fraud and Extortion
18 in Nov 2018 and Jan 2019.

19
20 225. Gomez-Edwards were informed of the Moreno Law Firms wrongdoing by
21 Plaintiff (Brent Oster) in writing, multiple times, from April 2019 onward,
22 including giving them a copy of the lawsuit against Hector and Marilyn Moreno
23 (19CV356322 Brent Oster vs The Law Firms of Hector and Marilyn Moreno). This
24 lawsuit was filed in Santa Clara County Court in Oct 2019, and a Set-Aside
25 motion was filed in Family Court in Nov 2019 against the Forced Sale Order on
26 the Gilroy Home, with the lawsuit included as evidence of Fraud (Perjury,
27 False Reports of Crimes), Duress, and Extortion in the making of that order.

1 226. Gomez-Edwards should have ceased and desisted in any efforts to sell
2 the home and waited for the set-aside to be heard and decided in Family
3 court. Instead, they ignored the evidence that there were criminal acts
4 committed by the Moreno attorneys (that put plaintiff in fear, under duress,
5 and by which the property was Extorted from him in that forced sale order).
6 They even told Plaintiff (Brent Oster) "they did not want to hear anything
7 more about Moreno", and knowingly proceeded to try and enforce the forced
8 sale order working with Temp Real-Estate 'Judge' Sharon Roper outside of the
9 main court, even while Plaintiff (Brent Oster) had filed set-aside,
10 reconsider, and vacate orders against those stipulations and orders,
11 scheduled for hearings on 30 Jan 2020, then 23 June 2020 (Exhibit B-Z). By
12 not ceasing and desisting in their efforts to sell Plaintiff's house while
13 the orders were being contested based on claims of criminal activity by
14 Hector and Marilyn Moreno, Gomez Edwards were working in conspiracy with the
15 Moreno Attorneys to further the goals of the operators of the racketeering
16 Enterprise, to a degree that they could be considered operators and
17 beneficiaries of the Enterprise by doing so.

18
19 227. Gomez - Edwards committed additional crimes (Exhibits B-J, Exhibit B-K,
20 Exhibit B-L, Exhibit B-R) of Perjury to the court, deceit, bank fraud to
21 Wells Fargo Bank and false reports to the authorities to bring malicious
22 prosecution against plaintiff and to put him under duress, interfere with him
23 as a witness, keep him from litigating, and keep him in constant fear of
24 losing his home.

25
26 228. Gomez-Edwards used intimidation, threats, and corruptly persuaded
27 Plaintiff (Kathia Oster) to engage in misleading conduct toward the Santa
28 Clara Family Court by falsifying statements in filings, and by filing false

1 reports of a crimes - and by doing so, (1) delay, or prevent his testimony in
2 this Official Federal Proceeding, as well as the ongoing official State
3 divorce proceeding, and (2) cause him to - (A) withhold testimony, and to
4 (3) hinder, delay, or prevent the communication to a federal law enforcement
5 officer or judge.

6
7 229. These actions were a violation of Interference or Tampering with a
8 Victim or Witness (18 U.S. CODE § 1512), and Retaliation against a Witness
9 (18 U.S. CODE § 1513) to prevent plaintiff from testifying and appearing in
10 State and Federal Proceedings (3:20-CV-01125-JD Brent Oster vs Santa Clara
11 County et al), and to interfere with him reporting the crimes by the
12 operators of the racketeering Enterprise to a Federal Authority (FBI).

13
14 230. Gomez Edwards were conspiring with other operators of the Enterprise
15 who were defendants or had claims against them in Plaintiff's Federal
16 official federal proceedings and in his FBI reporting. Plaintiff was unable
17 to effectively litigate in 3:20-CV-01125-JD, missed several deadlines, and
18 could not seek attorney assistance to compose better filings in that official
19 federal proceeding because of Gomez-Edwards interference, tampering, and
20 constant harassment of him as a witness, trying to get him evicted from his
21 home with wrongful orders and Extorting all his income from him (Exhibit B).
22 See Exhibit G for the pain and suffering he endured as he was evicted from
23 his home in fear, became a refugee, and struggled to just survive, while they
24 knowingly and willfully intimidated and tampered with him as a witness in all
25 of the State family, civil proceedings and Federal proceeding (Exhibit N).

26
27 231. Gomez Edwards called for Mandatory Settlement Conferences in the Family
28 Justice Center frequently, and demanded Temp 'Judge' Roper order the sale his

1 home, putting him in fear - then committing crimes of Extortion to get him to
2 sign ever worsening stipulations, increasing a lump sum payment from \$364,000
3 to \$500,000 to Kathia Oster to buy her out of the house (equaling the entire
4 equity left in the house) and monthly payments to them and plaintiff (Kathia
5 Oster) to \$10,000 and then \$25,000 (when Brent only had income of \$8000 a
6 month). Plaintiff Brent Oster was in fear that he would be evicted from his
7 home if he did not agree to their terms. This was Extortion (18 U.S. CODE §
8 1951) (b)the obtaining of property from another, with his consent, induced by
9 wrongful use of actual or threatened fear. If plaintiff did not agree to
10 Gomez-Edwards terms, he would be forced out of his house by Temp Real-Estate
11 Judge Roper, even though he was lawfully contesting the forced sale of his
12 house in Family court.

13
14 232. On 28 Aug 2019, GOMEZ helped Plaintiff (Kathia Oster) compile a **report**
15 **of all Gomez-Edwards (attorney-attorney) communications with Plaintiff (Brent**
16 **Oster)** for her to take as false reports of crimes directly into to a criminal
17 hearing on previously the raised matters against Plaintiff (Brent Oster) in
18 Morgan Hill Criminal Court.

19
20 233. In this fraudulent filing, in addition to all the attorney-attorney
21 communications, Gomez, Edwards, and Plaintiff (Kathia Oster) falsely claimed
22 DVRO violations consisting of: a simply written offer of settlement on the DV
23 issues (to accompany the formal legal one sent to them, to give to Plaintiff
24 (Kathia Oster)) and footnotes on \$10,000 VOLUNTARY checks that were given to
25 Plaintiff (Kathia Oster)'s prior counsel (in front of a judge, in court), to
26 give to Plaintiff (Kathia Oster). These were acts of good faith, legal, and
27 done in a completely innocuous, non-threatening, honest, and heart-felt
28 gesture on his part, now that tensions were lower, and Plaintiff (Brent

1 Oster) even reported to police that he put a note on a check 26 March 2019,
2 and added the above.

3
4 234. Still Gomez Edwards mis-construed this act as threatening and submitted
5 it to the DA prosecutor on Plaintiff (Brent Oster)'s criminal case as false
6 reports DVRO violations to try and dissuade and intimidate him.

7
8 235. This was a crime of making false reports to police, with the motive to
9 bring malicious prosecution against plaintiff to interfere and tamper with
10 him testifying in both the divorce proceeding, and the Official Federal
11 Proceeding (3:20-CV-01125-JD), conspiring with operators of the Enterprise
12 that had claims against them in that lawsuit, to interfere with his income,
13 and further Extort funds and property from him. (See Exhibit B-J, and B-K for
14 full State Bar Reports, B-L For reports to San Jose PD).

15
16 236. Gomez & Edwards used intimidation, threats, and corruptly persuaded
17 Plaintiff (Kathia Oster) to engage in misleading conduct toward the Morgan
18 Hill Criminal Court and the District Attorney by falsifying statements in
19 filings, and by filing false reports of a crimes - and by doing so, (1) delay,
20 or prevent his testimony in the ongoing criminal proceeding AND in the
21 ongoing divorce proceeding, and (2) cause him to - (A) withhold testimony, and
22 to (3) hinder, delay, or prevent the communication to a law enforcement
23 officer or judge.

24
25 237. These actions were a violation of Interference or Tampering with a
26 Victim or Witness (18 U.S. CODE § 1512), and Retaliation against a Witness
27 (18 U.S. CODE § 1513) to prevent plaintiff from appearing in State and
28 Federal Proceedings (3:20-CV-01125-JD), and to interfere with him reporting

1 the crimes by the operators of the racketeering Enterprise to a Federal
2 Authority (FBI). Gomez Edwards were conspiring with other operators of the
3 Enterprise who were defendants or had claims against them in Plaintiff's
4 Federal official federal proceedings and in his FBI reporting.

5
6 238. Gomez Edwards committed Bank Fraud, obtaining control over Plaintiff
7 (Brent Oster's) Wells Fargo Mortgage account by means of false or fraudulent
8 pretenses, representations, or promises, and instructing individuals (Nancy
9 Lee) at Wells Fargo to take actions on Plaintiff's sole property Mortgage
10 account without his knowledge nor consent (Exhibit B-R, Brent Oster Criminal
11 Report to San Jose PD, 8 Jan 2020).

12
13 239. From Dec 2019 through Jan 2020, Nancy Lee, counsel for Wells Fargo was
14 contacted by Gomez Edwards and corresponded only with them, discussing
15 matters regarding a foreclosure sale for the property at 1940 Saffron Court
16 in Gilroy, CA. Not once did Gomez Edwards inform Brent of this communication
17 nor introduce him to Nancy, nor inform him of any of their actions, despite
18 the fact that only Brent's name is on the mortgage (their client's is not),
19 and Brent is 50% owner on the title to the home.

20
21 240. Gomez Edwards were intentionally concealing from Brent their
22 communications and efforts with Wells Fargo because they were trying to
23 fraudulently force a sale of his house by making perjured statements to a
24 judge stating that if the Judge did not list the house and sell it right
25 away, it would go into foreclosure and be sold by the bank. They said this
26 despite being informed in writing a dozen times between Nov 22 and Jan 30
27 that Brent was working on a foreclosure effort with an experienced legal team
28 and had filed a complaint and TRO in civil court (19CV360805 Brent Oster vs

1 Wells Fargo Bank, N.A. et al), with Brent providing extensive documentation
2 of that proceeding to the Family Court and Gomez Edwards as filings were
3 made. This was a crime of perjury to the court, concealing evidence, deceit,
4 fraud, and bank fraud, reported to San Jose PD under case# 20-035-9713,
5 (Exhibit B-R)

6
7 241. Plaintiff, Brent Oster, filed a motion (Exhibit B-H) in Family Court in
8 Nov 2019 to set-aside the Nov 2018 forced sale and Jan 2019 settlement
9 stipulations (that were acquired by Extortion by fear by the Moreno Family
10 Law Firm), he fully evidenced them with 8 Memorandums of Points and
11 Authorities submitted from Feb 2020 to Jun 2020, including 4 full lawsuits
12 with complaints and evidence that he had filed:

13 a. Evidence for Set-Aside Motion Hearing

14 - Sole Property Documentation for ownership of Gilroy House

15 b. Evidence for Set-Aside Motion Hearing

16 - Complaint vs Moreno Law Firms (Case # 19CV356322)

17 c. Evidence for Set-Aside Motion Hearing

18 - Complaint vs Santa Clara DA (42 USC 1983 #20CV01125JD)

19 d. Evidence for 11 Mar 2020 Ex-Parte Hearing

20 - Lawsuit filing vs Gomez Edwards (Case # 20CV361372)

21 e. Evidence for DVRO Trial

22 - Civil Complaint vs Kathia Oster (Case # 20CV366435)

23 f. Evidence for DVRO Trial

24 - Rebuttal to Kathia Police Reports

25 g. Evidence for DVRO Trial

26 - Brent Oster Testimony from Jan 2019

27 h. Evidence for DVRO Trial

28 - Lawsuit Filing vs Gomez Edwards (Case # 20CV361372)

1
2 242. There was overwhelming evidence in these Memorandums and Plaintiff's
3 main filings that there was deceit, concealment, malicious prosecution,
4 fraud, Extortion by fear, and other misconduct and crimes during the
5 proceeding, particularly around the hearings where the orders/stipulations
6 for the forced sale and settlement of assets were created. Plaintiff
7 demonstrated that his Constitutional Rights were violated by the actions of
8 the DA and the Family Court Judges in the making of these forced sale and
9 settlement stipulations in Nov 2018, Jan 2019. He also demonstrated he was
10 well within his rights, to ask for a set-aside / relief from judgement
11 according to Family Code, Division 6: Relief From Judgment [2120 - 2129] and
12 met all the criteria. (Exhibit B-J, Exhibit B-K, Exhibit B-L, Exhibit B-R).
13 In response, Gomez Edwards filed perjured statements about Plaintiff (Brent
14 Oster), making claims he was abusing Plaintiff (Kathia Oster) by not selling
15 the home, by demanding a DVRO Trial, and that the home was in danger of
16 imminent sale by the bank, and other deceits, perjury, fraud on the court.

17
18 243. Despite plaintiff having followed due process, and having abundant
19 supporting evidence, Judge Thomas Kuhnle denied his request for Set-Aside
20 after a short hearing (Exhibit B-T) Jan 30, DESPITE the fact that in
21 plaintiff's filings, there were 118 instances of the word 'Extortion', 1617
22 instances of the word 'fraud', 260 instances of the word 'perjury', and 358
23 instances of the word 'crime', and a dozen of exhibits of evidence for each
24 criminal act.

25
26 244. Judge Kuhnle showed deliberate indifference to plaintiff's Fourth,
27 Eighth, and Fourteenth Amendment rights, by his refusal to set aside these
28 fraudulent orders despite very clearly evidenced criminal wrongdoing by the

1 Moreno Attorneys and the other conspirators and operators of their
2 racketeering Enterprise in obtaining them.

3
4 245. Plaintiff filed a motion to Reconsider (Exhibit B-U) and an Ex-Parte
5 Motion to Reconsider that Judgement to Set Aside by Judge Kuhnle, but just
6 after he did so, plaintiff was forced from the Gilroy home by Temp Real-
7 Estate Judge Sharon Roper, who was acting independently and of her own
8 volition, outside of the process happening in the main family court,
9 threatening to evict him from his home starting in Early Feb 2020, then by
10 issuing an order in March 2020 (Exhibit B-X) to have Rick Trevino, the
11 realtor, re-key plaintiff's house and prevent plaintiff from re-entering it.
12 Plaintiff contested this order (Exhibit B-Y) and reported this misconduct by
13 Judge Roper to the Commission on Judicial Performance (Exhibit B-Y). There
14 was literally a hearing on the set-aside scheduled for a few weeks later!

15
16 246. Despite there being a set-aside motion (of the forced sale) in
17 litigation from Nov 2019 to 30 Jan 2020, and then a re-consider motion in
18 litigation from then till 23 June 2020, with the filings specifying the
19 crimes of the operators of the racketeering Enterprise in great detail,
20 Gomez-Edwards completely ignored the motion to set-aside, the motion to
21 reconsider, went outside the due process in the court, and repeatedly
22 (Exhibit B) requested that Temp Real Estate Judge Roper issue orders to force
23 the sale of the home, and force plaintiff (Brent Oster) out of it, making use
24 of perjury, threats, and putting plaintiff at risk of being homeless during
25 the COVID-19 pandemic in the process.

26
27 247. This was also Extortion (18 U.S. CODE § 1951) (b)the obtaining of
28 property from another, with his consent, induced by wrongful use of actual or

1 threatened fear. In this case, the fear of being left homeless and broke, in
 2 California, and unable to travel due to the COVID pandemic was real, mortal,
 3 fear of death. These are the conditions under which Plaintiff (Brent Oster)
 4 was forced to leave his home in fear, in Feb 2020 and surrender it to the
 5 operators of the racketeering enterprise, he was blatantly retaliated against
 6 for his reporting against by them (18 U.S. CODE § 153) and interfered with
 7 and tampered with as a witness (18 U.S. CODE § 1512) so egregiously he was
 8 unable to provide testimony and unable to sustain litigation in this State
 9 Family Law Case, in the other State Lawsuits and Federal Lawsuits he had
 10 against many of the defendants in this action, once chased from his home as a
 11 displaced refugee (Exhibit G). In March 2020, Plaintiff even had to motion
 12 for an extension to the deadline to respond in case #20-CV-01125-JD in US
 13 District Court (Exhibit N) to avoid the case being vacated, and was granted
 14 an extension to do extend the deadline till 10 Aug 2020, but without his
 15 home, his documents, and his resources in California, Plaintiff was unable to
 16 effectively testify and litigate in that case.

17
 18 19CV356322 Brent Oster vs Moreno Family Law Firm et al

19 20-CV-01125-JD Brent Oster vs Santa Clara DA and Gilroy PD

20 20CV361372 Brent Oster vs Gomez Edwards law group LLP

21 19CV361036 Brent Oster vs Intero and Rick Trevino

22 19CV360805 Brent Oster vs Wells Fargo Bank, N.A. et al

23
 24
 25 STATEMENT OF FACTS PART 5

26 TEMP JUDGE ROPER

1 248. Temp Judge Roper was nominally someone who was assigned to be a "judge
2 pro tem", (someone who has been a lawyer for at least 10 years and is trained
3 to hear and decide small claims cases). She was to oversee the sale of the
4 Gilroy Home, and to hold hearings on any of the Respondent and Petitioner's
5 changes that were requested, but legally had very limited authority to make
6 decisions and issue orders. Instead of acting within the boundaries of the
7 pro tem role to arbitrate, and deferring to the main court for decisions, she
8 was acting far outside her authority - solely for the benefit of the
9 operators of the Enterprise to issue biased, unlawful, even ex-parte orders
10 to enforce the sale of the property and interfere and tamper with Plaintiff
11 (Brent Oster) from lawfully litigating to stop that sale in the Family and
12 civil courts.

13
14 249. Despite the fact that she was not authorized to, Temp Judge Roper
15 constantly and maliciously interfered with, tampered with, and retaliated
16 against Plaintiff's lawful efforts as a witness and pro-se litigant to set
17 aside the forced sale against his home. Plaintiff filed a Set-Aside motion
18 against the forced sale order/stipulation in Nov 2019, but instead of
19 standing down all efforts to sell the home or force him out of his home as
20 she should have, starting 2 days before plaintiff was getting married in
21 Honduras, Temp Judge Sharon Roper issued a series of ex-parte orders outside
22 the main process of the Family Court to evict plaintiff and authorize the
23 realtor, Rick Treviono to enter, stage and sell the house (Exhibit B-M,
24 Exhibit B-N, Exhibit B-V, Exhibit B-X, Exhibit B-AG) in Dec 2019, Mar 2020,
25 June 2020, and Aug 2020.

26
27 250. She finally succeeded in early 2020, starting with threats to do so in
28 Feb, with Plaintiff leaving in fear, leading up to her issuing an order in

1 March to have his home re-keyed (Exhibit B-V, Exhibit B-W) and him restrained
2 from it without any due process of law, literally a week before a scheduled
3 hearing on the forced sale order in the family court.

4
5 251. A trial on the asset settlement, set-aside of the forced sale of the
6 home, and DV claims was scheduled on-calendar 23 June 2020 that she
7 desperately wanted to prevent happening, conspiring with Marilyn and Hector
8 Moreno and the other operators of the Enterprise in order to conceal the
9 evidence (of the criminal perjury, false reporting of crimes, fraud,
10 interference / tampering of witnesses, and Extortion by the Moreno attorneys
11 and other operators of the racketeering Enterprise). Likely, she was also
12 concealing evidence of her past crimes with them as well.

13
14 252. Temp Judge Roper showed deliberate indifference in violating the 14th
15 Amendment Rights of plaintiff, knowing that the original forced sale order
16 for the home was based on crimes/torts of deceit, concealment, Perjury, False
17 Reports of a Crime, Dissuasion, Extortion and fraud by the Moreno (Exhibit A)
18 and Gomez-Edwards Attorneys (Exhibits B-J, Exhibit B-K, Exhibit B-L, Exhibit
19 B-R) and other operators of the racketeering Enterprise, and knowing that the
20 sale itself would only benefit the Enterprise, and leave both Brent and
21 Kathia with no money (Exhibit A-I). she made orders outside of her legal
22 authority, contradicting the due process of law that was supposed to be
23 happening in the main court.

24
25 253. Judge Kuhnle and Judge Roper had many reasonable opportunities to
26 intervene and simply refused to do so, willfully failing to keep both
27 Plaintiffs from harm. Temp Judge Roper's insistence that the court proceed
28 with the sale regardless of consequences or legality, throwing all due

1 process of law aside, throwing the safety and well-being of both Plaintiffs
2 aside, was deliberate indifference in violating plaintiffs' Fourth, Sixth,
3 Eighth, and Fourteenth Amendment rights, and by doing so she willfully
4 allowed them to both come to great harm (Exhibit G - Pain and Suffering).

5
6 254. Temp Judge Sharon Roper violated Judicial Code Of Ethics, California
7 Court Code Procedures, State Law, and Plaintiff's Fourteenth Amendment Rights
8 by unilaterally making ex-parte orders (Exhibit B-M, Exhibit B-N, Exhibit B-
9 V, Exhibit B-X, Exhibit B-AG) in Dec 2019, Mar 2020, June 2020, and Aug 2020,
10 on her own volition, with no justification from the Family Court, nor
11 communication from Judge Kuhnle, based only on ex-parte communications with
12 the Moreno Attorneys, Gomez-Edwards, and Intero Real Estate Services.

13
14 255. Judge Roper's orders contradicted the main court's orders, and violated
15 the ongoing process of law which was awaiting trial / hearing on 30 Jan 2020,
16 10 Mar 2020, 04 May 2020, and finally 23 June 2020, with her orders issued in
17 conspiracy with the persons operating the racketeering Enterprise to aid them
18 in attempting to liquidate the home ASAP for their mutual profit, before the
19 forced sale could be legally set-aside, and to dissuade and intimidate
20 Plaintiff (Brent Oster) from litigating in the Family Court matter, and in
21 the multiple state civil lawsuits he was now litigating in against the
22 persons operating the racketeering Enterprise, and obstruction of his efforts
23 to bring prosecution against them.

24
25 256. Temp Judge Roper's actions to issue forced sale and eviction orders on
26 24 Dec 2019, 2 Mar 2020, 28 Aug 2020, 13 Oct 2020, and 19 Oct 2020 were each
27 a violation of 18 U.S. CODE § 1512 in that she (c) corruptly ,acting outside
28 her official capacity as a pro-tem Temp Real Estate Judge, (1) prevented

1 Plaintiff from accessing any of his paper records and evidence by evicting
2 him from his home in Feb, then, conspiring with Rick Trevino and Intero Real
3 Estate, had all such records and evidence removed from his house and stored
4 at Extra Space Storage in Gilroy, CA - by having Rick Trevino forge
5 Plaintiff's signature on a storage contract (by her order), that would cost
6 around \$500 a month, without informing plaintiff. Plaintiff has been unable
7 to afford the storage fees, so 7 July 2021 an auction was held to dispose of
8 all of Plaintiffs belongings - thereby altering, destroying, or concealing
9 records, documents, or other objects with the intent to impair their
10 availability for use in an official proceeding. These records, documents, and
11 objects included:

- 12 a. All documents from Plaintiff's purchase of the Gilroy Home from DeNova in
13 2015.
- 14 b. All bank records from the mortgage with Wells Fargo.
- 15 c. All paper records sent to Plaintiff by Wells Fargo and their agents
16 regarding foreclosure.
- 17 d. Printed versions of all Plaintiff's reporting to State Bar of California
18 about Hector Moreno, Marilyn Moreno, Gomez-Edwards, and their employees.
- 19 e. All paper mail responses sent to Plaintiff by State Bar of California
- 20 f. Paper copies of Plaintiff's reports to the Commission on Judicial
21 Performance.
- 22 g. All paper mail responses from CJP.
- 23 h. Plaintiff's reports to the California Dept of Real-Estate and their mail
24 responses.
- 25 i. Paper copies of all Plaintiff's filings and litigation in the following
26 cases:
 - 27 • 5:20-cv-07828-NC Brent Oster et al v. State of California et al.
 - 28 • 3:20-CV-01125-JD Brent Oster vs Santa Clara District Attorney et al.

- 19CV356322 Brent Oster vs Moreno Family Law Firm et al
- 20CV361372 Brent Oster vs Gomez Edwards law group LLP
- 19CV361036 Brent Oster vs Intero Realty / BRK
- 19CV360805 Brent Oster vs Wells Fargo Bank, N.A. et al
- 20CV366930 Brent Oster vs City of Sunnyvale and Santander Consumer USA
- 17FL003843 Kathia Oster vs Brent Oster (divorce)

j. Paper copies of Plaintiff's reports to Gilroy PD, San Jose PD, and the Office of Jeff Rosen

k. Paper printouts of all Plaintiff's reporting to the FBI

l. Several Hard Disk Drives and Solid State Drives with digital records of some of these files and other information.

257. These actions were a violation of Interference or Tampering with a Victim or Witness (18 U.S. CODE § 1512), and Retaliation against a Witness (18 U.S. CODE § 1513) and were done to prevent plaintiff from appearing in State and Federal Proceedings, including (3:20-CV-01125-JD Brent Oster vs Santa Clara County et al), and to interfere with him reporting these crimes to a Federal Authority (FBI). This was done in conspiracy with other operators of the Enterprise who were defendants or had claims against them in Plaintiff's Federal filings and his reporting.

258. This is evidenced in Exhibit G, and Exhibit N, where Plaintiff had to ask the US District Court for an extension to file a response in case no. 3:20-CV-01125-JD because he was, in literal fact, a refugee, without the financial means, counsel, or his documents to research or file any response or testify as a witness in that case. The interference, tampering with awitness, loss of his documents and HDDs caused by the Defendants actions,

1 (especially Pro-Tem Judge Roper, Gomez-Edwards and Intero Real Estate) made
2 it impossible for Plaintiff to effectively litigate and testify in that
3 federal official proceeding, as well as in the divorce proceeding and state
4 lawsuits he was a plaintiff in.

5
6 259. This constant vicious and unlawful threat of eviction, resulting in the
7 plaintiff fleeing from his home in fear was a willful act, coordinated by the
8 defendant persons (including Gomez-Edwards, Intero Real Estate, Hector and
9 Marilyn Moreno, and persons at the DA office), to deliberately interfere and
10 tamper with Plaintiff (Brent Oster) as a witness in (3:20-CV-01125-JD) and
11 prevent him from filing subsequent actions against them, including this RICO
12 action, and from making reports to Federal authorities. By 18 U.S. CODE §
13 1512(c) they knowingly used intimidation and threatened Plaintiff with
14 eviction and police actions with the intent to - (1) influence, delay, or
15 prevent the testimony of Plaintiff (Brent Oster) in the federal and state
16 official proceedings, (2) cause or induce Plaintiff to - (A) withhold
17 testimony, or withhold a record, document, or other object, from an official
18 proceeding, as all his documents and records had to be abandoned in his home
19 when he left in haste under the threat of eviction. (B) by moving Plaintiff's
20 belongings into storage and Rick Trevino forging his name on a contract that
21 Plaintiff could not afford, resulted in the belongings being sold at auction,
22 they altered, destroyed, mutilated records, documents, or other objects, or
23 attempted to do so, with the intent to impair the object's integrity or
24 availability for use in all the state and federal official proceedings;
25 (D) They caused Plaintiff to be absent from that official proceeding to which
26 he had been summoned by legal process and they greatly (3) hindered, delayed,
27 or prevented the communication to a law enforcement officer (FBI) or judge of
28 the United States the information in this RICO filing relating to the

1 commission of these RICO crimes, delaying this filing and reporting till Jul
2 2021 as a result.

3
4 260. Again, Judge Roper committed these criminal acts by acting outside her
5 official duties, filing unlawful eviction orders against plaintiff, and
6 unlawful sale orders on the house, in contempt of the lawful due process and
7 hearings that were scheduled to decide on a Set-Aside Motion on 30 Jan 2020,
8 and then Reconsider Motion on 20 June 2020 of the underlying order, which
9 would render it void. There should have been ZERO attempts to sell the house,
10 and ZERO attempts to force Plaintiff (Brent Oster) from it while he was
11 supposed to be attending and testifying in the divorce proceeding in Family
12 Court on these matters.

13
14 261. All of Judge Roper's sudden ex-parte orders for the sale of plaintiff's
15 house or for evicting him from it, done outside of due process, came within
16 days of litigation or reports against Marilyn Moreno in the lawsuit
17 proceeding (19CV356322 Brent Oster vs Moreno Family Law Firm et al) or in the
18 Federal Lawsuit (3:20-CV-01125-JD Brent Oster vs Santa Clara County et al),
19 against Hector Moreno, Marilyn Moreno, and Michael Moreno by Plaintiff. There
20 is little doubt Judge Roper was having ex-parte communications with Marilyn
21 Moreno and other members of the racketeering Enterprise during the
22 proceeding. She was taking actions outside of her judicial duties to conspire
23 with the racketeering Enterprise to interfere, tamper and retaliate with
24 plaintiff as a witness by unlawfully forcing the sale of the Gilroy Home by
25 making her own orders, outside the authority of the Family Court.

26
27 262. Plaintiff, Brent Oster, was informed that the house was sold, on Aug 25
28 - to Shahin Jahanbani and Solileh Yazdankhah by Rick Trevino (Exhibit M-4),

but Temp Judge Roper made 3 additional orders (a Fourth Order on 10/13/2020, a Fifth Order on 10/19/2020, and a Sixth Order on 10/20/2020), without informing Plaintiff (Brent Oster), nor communicating their content to him, even when he saw the entries on the court portal and requested Sharon Roper give him a copy (Exhibit M-3). In violation of California Code of Judicial Ethics Canon 3(B)(7) A judge shall not initiate, permit, or consider ex parte communications. In violation of this rule, she made ex-parte communications to only Rick Trevino, Intero, and Gomez Edwards with these orders, and Plaintiff (Brent Oster) has NEVER seen their content, even after he sent an e-mail to Sharon Roper demanding an e-copy of these orders (Exhibit M-3).

File Date	File Type	Filed By	Comment
10/20/2020	Order	Kathia Oster,	Sixth Order by Temporary Judge for Real Estate
10/19/2020	Order	Kathia Oster, Brent Oster,	Fifth Order by temporary judge for Real Estate
10/19/2020	Notice: Change Address/Firm Name		Notice: Change Address/Firm Name
10/13/2020	Order	Kathia Oster, Brent Oster,	Fourth order by temp. judge for real estate

263. Only after a recent search of the MLS records (Exhibit M-5) it was found that on 15 Oct 2020, the house was actually sold to a David J Tindall, and Escrow closed on 22 Oct 2020. This sale, the disclosures, documents, and financial transactions were all concealed from Plaintiff (Brent Oster) who was deceived to believe that the house was sold on 25 Aug 2020 to Shahin Jahanbani and Solileh Yazdankhah (Exhibit M-4). Nobody at Intero Realty, nor the family courts, nor Pro-Tem real estate judge Roper, nor Gomez Edwards provided ANY information regarding the sale to David Tindall, any of the disclosure documents, the sale contract, nor the financial transaction information.

1 264. This was also a violation of Plaintiff (Brent Oster's) 14th Amendment
2 Rights to not be deprived of property without due process of law (no notice,
3 let alone hearing, ...). This was also a crime of Fraud (concealment) by Judge
4 Roper, and a RICO predicate crime of conspiracy 18 U.S. CODE § 1962(d) with
5 Intero Real Estate Services and Rick Trevino to commit Money Laundering 18
6 U.S. CODE § 1956 by concealing the unlawful sale and the disbursement of
7 funds from the sale.

8
9 265. Temp Judge Sharon Roper was clearly acting in conspiracy 1962(d) with
10 Marilyn Moreno, Gomez Edwards, Rick Trevino, Intero and the other
11 operators/managers of the Enterprise to complete the predicate crimes of
12 Extortion (18 U.S. CODE § 1951) and Money Laundering (18 U.S. CODE § 1956),
13 completing the pattern of racketeering in this case. Sharon Roper even gave
14 precise, unlawful instructions regarding the parties that would have
15 authority over the property, the sale, and the holding of said monies, and
16 distribution of proceeds. She disposed of all of Plaintiffs belongings in the
17 house - thereby altering, destroying, or concealing records, documents, or
18 other objects with the intent to impair their availability for use in an
19 official proceeding, and protect the Moreno Attorneys and the other operators
20 of the racketeering enterprise from significant civil and criminal liability.

21
22 266. The FBI / DOJ need to investigate this, and Plaintiff (Brent Oster)
23 asks the Attorney General to obtain discovery according to the RICO CIP
24 clause 1968 (a). They need to obtain these ex-parte communications in the 2-4
25 days preceding each of Judge Roper's spontaneous orders to sell the home or
26 evict plaintiff on (24 Dec 2019, 2 Mar 2020, 28 Aug 2020, 13 Oct 2020, 19 Oct
27 2020). There will be clear evidence of them conspiring to commit fraud,
28 Extortion, and dissuading and intimidating a witness.

1
2 267. Temp Judge Sharon Roper once had plaintiff stay back after a mandatory
3 settlement conference in plaintiff's divorce in Oct 2019, where the topics of
4 his ex-wife dropping the DVRO and the topic of settling the assets by selling
5 his house were discussed. After the others left, Judge Roper told plaintiff
6 (multiple times), that if he just settled the assets, then the DV accusations
7 would clear up more quickly. It was clear that she was conspiring (18 U.S.
8 CODE § 1962(d)) to commit Extortion (18 U.S. CODE § 1951) with the operators
9 of the racketeering Enterprise in this communication.

10
11 268. The Santa Clara Family Justice Center, Judge Kuhnle, and Temp Judge
12 Roper, acting with deliberate indifference violated the Supremacy Clause
13 (Article VI, Clause 2) in that they were are not abiding by the Constitution,
14 nor Federal Law in their decision making and judgements from Nov 2019 -
15 Present in the divorce proceeding, and the decisions they made were not
16 lawful, the judgements were void, and should not have been upheld just due to
17 this violation.

18
19
20 **STATEMENT OF FACTS - PART 6**

21 **INTERO REAL-ESTATE SERVICES AND RICK TREVINO**

22
23 269. Intero Real Estate Services and Rick Trevino served as the
24 "Liquidator", the sales channel for the real-estate product stolen from the
25 plaintiffs by the operators of the Enterprise by Extortion, and Intero did
26 the money laundering, turning the funds obtained from the buyer (by criminal
27 fraud, deceit, and concealment) into cash through an intermediate
28

1 instrument/party, then that cash was then disbursed to the operators of the
2 Racketeering Enterprise.

3
4 270. Real Estate Rick Trevino of Intero Real Estate (supposed to be
5 representing both Plaintiffs as the sellers) claimed to have sold the Gilroy
6 house on 25 Aug 2020 as shown in (Exhibit M-3), (based on the court orders
7 obtained by Fraud and Extortion by the Moreno Attorneys, and the amended
8 stipulations obtained by Fraud and Extortion by Gomez Edwards, and issued by
9 Temp Judge Roper), to complete the pattern of crimes by the Racketeering
10 Enterprise and sell the home despite the unlawful process leading up to the
11 sale, including crimes by the operators of the enterprise that litigated the
12 orders, violations of Tampering with a Victim or Witness, Retaliation against
13 a witness, and Extortion (18 U.S.C. § 1951) by the operators of the
14 Enterprise, of which Trevino and his senior executives were well informed of
15 by Plaintiff (Brent Oster).

16
17 271. The Intero Defendants (Intero Real-Estate / Berkshire Hathaway, Rick
18 Trevino, Heather Wang, Christopher Moles, et al) all conspired(18 U.S. CODE §
19 1961(d)) with the operators of the racketeering Enterprise (and in some cases
20 committed predicate crimes themselves) to commit predicate crimes of Fraud
21 and Extortion (18 U.S.C. § 1951), Tampering with a Victim or Witness (18 U.S.
22 CODE § 1512), Retaliation against a Witness(18 U.S. CODE § 1513) to prevent
23 plaintiff from appearing in State and Federal Proceedings, including (3:20-
24 CV-01125-JD Brent Oster vs Santa Clara County et al), and from reporting
25 their crimes to a Federal Authority (FBI).

26
27 272. Intero even had Rick Trevino participating in all e-mail conversations
28 in the divorce from Dec 2019 forward. It was neither legal nor appropriate to

1 have a realtor from Intero Real Estate being involved in communication in a
2 divorce proceeding, directly corresponding with Temp Judge Roper, Judge
3 Kuhnle, the Plaintiffs, and their counsel, where the realtor personally had a
4 monetary interest in the outcome of the proceeding and was also representing
5 the monetary interests of the persons operating the racketeering Enterprise.
6 This should never have happened. For this reason, and others, plaintiff
7 brought a state civil suit (Case #19CV361036) vs Intero/Berkshire Hathaway
8 and Rick Trevino (Exhibit D), including the following State Civil Violations:

- 9
10 1. Intero Defendants were violation of Equal Dignities Rule, Civ. Code
11 \$1624, committing a crime of fraud by selling Plaintiff's house without
12 any written agreement with him nor his permission.
- 13
14 2. Intero Defendants violated CIV 1709, 1710(3), by deceit and concealment
15 of substantial facts, including concealing 4 lawsuits against other
16 parties involved in the sale, that they did NOT disclose to the buyers
17 or sellers despite a duty to do so, committing a crime of fraud.
- 18
19 3. Defendant Rick Trevino violated Civil Code section 1710(1) and
20 committed a crime of Perjury, Fraud on the court, and knowingly defamed
21 plaintiff in a deceitful statement by assertion, as a fact that On 1
22 Jan 2020, without providing any evidence of any kind, stating that
23 Plaintiff "*Mr. Oster is continuing to act in an aggressive manner, as*
24 *seen in the email below. Entry by any party is unsafe at the moment. I*
25 *recommend Mr. Oster be removed from the home and ordered to stay away*
26 *from the premises as well as any Intero office*". Rick Trevino made this
27 deceit, asserting it as a fact, when it was not true, and, by making it
28 to a Judge, committed a crime of Perjury, and to Police, a crime of a

1 false report to police, when he knew these statements to be untrue and,
2 in fact, knew plaintiff was 3300 miles away, getting married and posed
3 zero threat.

4
5 4. Intero Defendants conspired with the other operators of the Enterprise,
6 aided and abetted the commission of an intentional crime of fraud,
7 theft by trick of plaintiffs house by the other defendants, as they
8 were fully disclosed on the other parties' unlawful conduct and the
9 lawsuits, and knew they constituted a torts of deceit and fraud, yet
10 they gave substantial assistance and encouragement to the other parties
11 to so act, including committing unlawful acts to do so. In so doing,
12 the INTERO Defendants committed these crimes of fraud for the benefit
13 of the other operators of the Enterprise, in order to unlawfully sell
14 the home at 1940 Saffron Court, and keep the profits substantially for
15 the operators of the Racketeering Enterprise.

16
17 273. These acts by Rick Trevino, done with full knowledge of his corporate
18 management and corporate counsel constituted predicate crimes of (18 U.S.C. §
19 1512) Tampering with a Victim or Witness, and (18 U.S.C. § 1513) Retaliation
20 against a witness, and criminal Perjury, done in conspiracy (18 U.S. CODE §
21 1961(d)) with the other operators of the Enterprise to aid and abet the
22 crimes of Extortion(18 U.S.C. § 1951), to further the goals of the Enterprise
23 to deprive Plaintiffs of property.

24
25 274. Specifically, by making a Perjured statement to a Judge and a false
26 report of a crime about Plaintiff (Brent Oster) being a danger in Jan 2020,
27 when he was 3300 miles away getting married, Rick Trevino was trying to get
28 Plaintiff (Brent Oster) barred from his home, unable to return to it, and

1 thus Plaintiff would be unable oppose them by litigating in multiple State
2 and Federal proceedings to stop them from selling the home, nor make reports
3 to Municipal, State or Federal (FBI) authorities against the ongoing criminal
4 racketeering actions of the Enterprise.

5
6 275. By repeatedly Interfering with Plaintiff from litigating or testifying
7 in the official divorce proceeding, in State civil lawsuit official
8 proceedings, as well as a Federal Official Proceeding (Lawsuit 3:20-CV-01125-
9 JD Brent Oster vs Santa Clara County et al, and from filing lawsuit (5:20-cv-
10 07828-NC) and this action - Rick Trevino, Intero Real Estate Services and
11 their senior management and employees committed predicate crimes of Tampering
12 with a Victim or Witness (18 U.S.C. § 1512) (b)as he knowingly used
13 intimidation, threats, or corruptly persuaded or attempted to persuade
14 persons, including Judge Roper and/or the Police to engage in misleading
15 conduct toward Plaintiff (Brent Oster), with intent to - (1)influence, delay,
16 or prevent the testimony of Plaintiff in the Federal official proceeding; or
17 (2)cause or Plaintiff (Brent Oster) to (D)be absent from the Federal official
18 proceeding to which he had been summoned by legal process or (3)hinder,
19 delay, or prevent the communication to a law enforcement officer (FBI) or
20 judge of the United States of information relating to the commission or
21 possible commission of a Federal offense - in this case communicating crimes
22 of Racketeering (18 U.S.C. § 1961), Extortion (18 U.S.C. § 1951) and Money
23 Laundering (18 U.S. CODE § 1956, 18 U.S. CODE § 1957) by the operators and
24 conspirators of the Enterprise.

25
26 276. The Enterprise operators succeeded. Plaintiff (Brent Oster) was not
27 able to file substantial reports to the FBI could not fully report these
28 crimes until now due to the interference and tampering with him as a witness

1 and harassment of him as a witness completely disrupting and upending his
2 life (Exhibit G, Exhibit N). He was forced to flee from his home with only 6
3 suitcases and his 2 cats in Feb 2020 because Judge Roper had unlawfully, in
4 violation of plaintiff's 14th Amendment rights, acting outside her official
5 duties, issued an order for Plaintiff (Brent Oster) to be evicted from the
6 Gilroy house and for it to be re-keyed by Rick Trevino of Intero Real Estate,
7 and to involve police if necessary. Plaintiff was never able to return to his
8 home to organize or take his belongings or records and documents out.



24 277. Sometime before the fictional 25 Aug 2020 sale, without notifying
25 plaintiff, Intero had all the belongings of Plaintiff that remained in the
26 Gilroy Home moved into storage, without his permission, by forging his name
27 on a contract with Extra Space Storage of Gilroy, that cost about \$500 a
28

1 month, which Brent could not afford. As a result, the contract went into
2 default and those belongings were set to be disposed of at auction as of 7
3 July 2021 - including:

4 m. All documents from Plaintiff's purchase of the Gilroy Home from DeNova in
5 2015.

6 n. All bank records from the mortgage with Wells Fargo.

7 o. All paper records sent to Plaintiff by Wells Fargo and their agents
8 regarding foreclosure.

9 p. Printed versions of all Plaintiff's reporting to State Bar of California
10 about Hector Moreno, Marilyn Moreno, Gomez-Edwards, and their employees.

11 q. All paper mail responses sent to Plaintiff by State Bar of California

12 r. Paper copies of Plaintiff's reports to the Commission on Judicial
13 Performance.

14 s. All paper mail responses from CJP.

15 t. Plaintiff's reports to the California Dept of Real-Estate and their mail
16 responses.

17 u. Paper copies of all Plaintiff's filings and litigation in the following
18 cases:

19 • 5:20-cv-07828-NC Brent Oster et al v. State of California et al.

20 • 3:20-CV-01125-JD Brent Oster vs Santa Clara District Attorney et al.

21 • 19CV356322 Brent Oster vs Moreno Family Law Firm et al

22 • 20CV361372 Brent Oster vs Gomez Edwards law group LLP

23 • 19CV361036 Brent Oster vs Intero Realty / BRK

24 • 19CV360805 Brent Oster vs Wells Fargo Bank, N.A. et al

25 • 20CV366930 Brent Oster vs City of Sunnyvale and Santander Consumer USA

26 • 17FL003843 Kathia Oster vs Brent Oster (divorce)
27
28

1 v. Paper copies of Plaintiff's reports to Gilroy PD, San Jose PD, and the
2 Office of Jeff Rosen

3 w. Paper printouts of all Plaintiff's reporting to the FBI

4 x. Several Hard Disk Drives and Solid State Drives with digital records of
5 some of these files and other information.

6
7 278. In Feb 2020, Plaintiff was threatened with unlawful eviction from his
8 home by fraudulent orders (with threats of police action) generated by the
9 combined criminal acts of Rick Trevino, Intero Real-Estate, Temp Judge Sharon
10 Roper, Natalie Gomez, Lauren Edwards, Marilyn Moreno, Hector Moreno and their
11 employees - who were all persons operating the Enterprise following a pattern
12 of Racketeering in violation of 18 U.S. CODE § 1961 (RICO), as described in
13 this complaint. Plaintiff could only take 6 suitcases and his pets and flee
14 his home due to fear of the actions that would be taken against him by the
15 operators of the Enterprise and their conspirators.

16
17 279. These actions that resulted in the destruction of a significant amount
18 of records, documents, and computer drives belonging to Plaintiff (and the
19 evidence they contained) was a violation of:

20
21 280. 18 U.S. CODE § 1512 (c) Whoever corruptly—

22 (1) alters, destroys, mutilates, or conceals a record, document, or
23 other object, or attempts to do so, with the intent to impair the object's
24 integrity or availability for use in an official proceeding; or

25 (2) otherwise obstructs, influences, or impedes any official proceeding,
26 or attempts to do so, shall be fined under this title or imprisoned not more
27 than 20 years, or both.

1 281. Plaintiff, Brent Oster, was informed, after the fact, that the house
2 had been sold, on Aug 25 - to Shahin Jahanbani and Solileh Yazdankhah by Rick
3 Trevino (M-4), and was only given a partial copy of the sale agreement and
4 disclosures, concealing documents of this sale from him. It has later been
5 discovered that this sale was all fraud, a deceit.

6
7 282. Only after a recent search of the MLS records (Exhibit M-5) Plaintiff
8 discovered that on 15 Oct 2020, the house was actually sold to a David J
9 Tindall, and Escrow closed on 22 Oct 2020. This sale, the disclosure
10 documents, sale documents, and financial transactions were all concealed from
11 Plaintiff (Brent Oster), who had been deceived that the house was sold on 25
12 Aug 2020 to Shahin Jahanbani and Solileh Yazdankhah (Exhibit M-4) and
13 believed this to be true till he requested the actual MLS home sale records.

14
15 283. Nobody at Intero Realty, nor the family courts, temp real-estate judge
16 Roper, nor opposing counsel provided ANY information regarding the sale to
17 David Tindall, the disclosure documents, the sale contract, nor the financial
18 information. This deceit and concealment was a crime of fraud against
19 Plaintiff (Brent Oster) by Intero and Rick Trevino et al. Plaintiff (Brent
20 Oster) was on title of the house, an owner that bought the home with his own
21 sole property funds in 2015 (Exhibit I), and by any lawful settlement of the
22 divorce assets, should have retained full ownership of it (Exhibit K). The
23 entire series of crimes in a racketeering pattern that unlawfully took this
24 property from him were completed by this act of Fraud, concealment, and money
25 laundering by Intero Real Estate Services and the other operators and
26 conspirators in the enterprise.

1 284. Also, Intero, Rick Trevino and Intero did not disclose to the buyer,
2 David Tindall, that there was an active CA State lawsuit against Intero
3 (Santa Clara Civil Court Case no. 19CV361036) regarding their misconduct in
4 the process leading up to sale of the home, filed Dec 2019, amended in Feb
5 2020, and Sept 2020 and still in litigation as of the time of filing this
6 Amended complaint. This was also a crime of fraud, concealment, and a
7 violation of the California codes CIV 1709, 1710(3), by deceit and
8 concealment of substantial facts in a real-estate sale from the buyer.

9
10 285. By this further fraud, deceit and concealment of substantial facts in a
11 real-estate sale by all defendant parties involved, plus the violations of
12 Plaintiff's 14th Amendment Rights by excluding him from, and interfering with
13 him as a witness in the divorce proceeding, and the numerous RICO predicate
14 crimes of Fraud, Extortion, Influencing and Tampering with a Witness,
15 knowingly and willfully committed in a pattern of racketeering by the
16 operators of the Enterprise leading up to this sale - made this a blatantly
17 unlawful sale by Intero Real Estate Services according to both State and
18 Federal law.

19
20 286. When Intero Real Estate, Rick Trevino, et al. sold the home, and they
21 and the other operators of the Enterprise concealed the movement and the
22 disbursement of the funds to themselves and other operators and conspirators
23 of the enterprise according to their own decisions and calculations, without
24 consulting nor informing the Plaintiffs (who were the owners and sellers of
25 the house), Intero Realty, Rick Trevino and his superiors and the other
26 operators of the Enterprise knowingly and willfully committed crimes of Money
27 Laundering (18 U.S. CODE § 1956, 18 U.S. CODE § 1957) by (1) engaging in a
28 financial transaction in criminally derived property; (2) engaging in a

1 commercial transaction which was part of a scheme to conceal criminally
2 derived property, or to disguise the source or ownership of criminally
3 derived property.

4
5 287. Intero Real Estate Services, Rick Trevino, and his superiors
6 participated directly in this Money Laundering (18 U.S. CODE § 1956, 18 U.S.
7 CODE § 1957) as operators of the Enterprise. The buyer was defrauded by
8 deceit and concealment of substantial facts into conveying payment to an
9 entity and/or account managed by the operators of the racketeering
10 Enterprise. The details of the financial transactions were concealed from the
11 sellers, and at least 75% of the funds did not make it into either Brent
12 Oster or Kathia Oster's hands after the sale transactions were completed, and
13 are unaccounted for. This was Money Laundering (18 U.S. CODE § 1956, 18 U.S.
14 CODE § 1957).

15
16 288. Even as of 1 July 2021, Intero Real Estate Services and their counsel
17 still refuse to provide Plaintiff (Brent Oster) with any documents regarding
18 the sale to David Tindall, or financial transactions from the sale and
19 details of to whom the funds were dispersed to, and what intermediate
20 instruments, parties, or agencies were involved between the buyer and the
21 final disbursements (Exhibit C-Z).

22
23 **STATEMENT OF FACTS - PART 7**

24 **LEGAL BASIS FOR CLAIMS**

25
26 289. Claims in this complaint fall under RICO (18 U.S.C. § 1961) in that
27 they arise from a pattern of racketeering, committing predicate crimes of
28 Tampering or Interfering with a Witness (18 U.S. CODE § 1512), Retaliation

1 against a Witness or Victim (18 U.S. CODE § 1513), Extortion (18 U.S. CODE §
2 1951), Money Laundering (18 U.S. CODE § 1956, 1957), Racketeering Activity
3 (18 U.S.C. § 1962(c)), and/or Colluding and Conspiring (18 U.S.C. § 1962(d))
4 with the persons operating the Enterprise - by 2 or more individuals
5 conspiring and colluding criminally in a racketeering Enterprise that they
6 operated and/or managed for the purpose of defrauding and extorting assets
7 from individuals for the profit of persons operating the Enterprise (18
8 U.S.C. § 1962(c)), conducting a pattern of multiple such criminal acts within
9 the past 10 years (Exhibit A, D, F).

10
11 290. The primary damaging act by the individuals in the racketeering
12 Enterprise was Extortion - to obtain property from Plaintiffs by fear'. Under
13 18 U.S.C. § 1951, the Hobbs Act defines "Extortion" as the "obtaining of
14 property from another, with his consent, induced by wrongful use of actual or
15 threatened force, violence, or fear, or under color of official right", and
16 elevates all but the simplest acts of robbery and Extortion to the level of
17 federal crimes. All references to "Extortion" with a capital 'E' in this
18 complaint refer to the Federal Hobbes Act definition, and NOT the California
19 518 PC State definition of extortion.

20
21 291. All claims in this complaint fall within the 4-year statute of
22 limitations under RICO as the first crime committed against Plaintiff was by
23 Hector Moreno in Sept 2017, and all the defendant persons operating the
24 Enterprise have committed at least one predicate act (that forms part of the
25 pattern for which they are being prosecuted) within 4 years or less of this
26 filing.

1 292. In 1987, the Supreme Court held that a four-year statute of limitations
2 applies to all civil RICO actions. (Agency Holding Corp. v. Malley-Duff &
3 Associates, Inc. - 483 U.S. 143, 156 (1987)), the Court concluded that a
4 uniform federal limitations period is necessary and borrowed the limitations
5 period from the Clayton Act (15 U.S.C. § 15(b)), the most analogous federal
6 statute. The Court selected the Clayton Act because RICO was patterned after
7 that statute, which also redresses injury by awarding treble damages for
8 "injury to business or property" - (Agency Holding Corp., 483 U.S. at 150).

9
10 293. The claims of predicate acts in this 18 U.S. CODE § 1961 action are
11 valid, as a plaintiff need not allege that the defendant has been convicted
12 of the predicate act to bring a civil claim. (Sedima, S.P.R.L. v. Imrex Co.,
13 473 U.S. 479, 488-93 (1985)).

14
15 **18 U.S. CODE § 1962(d) CONSPIRACY, AIDING AND ABETTING**

16 294. A defendant can be liable without having personally committed the
17 predicate acts, so long as the evidence is sufficient to connect the
18 defendant to the fraudulent scheme. (Casperone v. Landmark Oil & Gas Corp.,
19 819 F.2d 112, 115 (5th Cir. 1987)), and The Third Circuit has also applied
20 Salinas v. United States (522 U.S. 52, 1997) to hold that Section
21 1962(d) extends beyond "those who have conspired personally to operate or
22 manage a corrupt enterprise."

23
24 295. Conspiracy liability is not limited only to those who are liable for a
25 substantive violation under Section 1962 upon successful completion of the
26 scheme, as defendants can be held liable for conspiracy if they knowingly
27 agree to facilitate a scheme that includes the operation or management of a
28 RICO enterprise. (Smith, 247 F.3d at 538). the plaintiff must prove only that

1 the "defendant participated in the conspiracy with knowledge of the essential
2 nature of the plan." (United States v. Tillett, 763 F.2d 628, 632 (4th Cir.
3 1985); United States v. Elliott, 571 F.2d 880, 903-04 (5th Cir. 1978).

4
5 296. It is "not necessary 'to prove that the defendant knew all of the
6 details of the unlawful enterprise or the number or identities of all the co-
7 conspirators.'" (Dale v. Frankel, 131 F. Supp. 2d 852, 860 (S.D. Miss. 2001))
8 (quoting United States v. Posada-Rios, 158 F.3d 832, 858 (5th Cir. 1998)).

9
10 297. In Salinas(522 U.S. 52 (1997).), the Court held that "[a] conspiracy
11 may exist even if a conspirator does not agree to commit or facilitate each
12 and every part of the substantive offense."⁹ The Court went on to state: "The
13 interplay between subsections (c) and (d) [of RICO Section 1962] does not
14 permit us to excuse from the reach of the conspiracy provision an actor who
15 does not himself commit or agree to commit the two or more predicate acts
16 requisite to the underlying offense."

17
18 298. The Third Circuit has applied Salinas to hold that Section 1962(d)
19 extends beyond "those who have conspired personally to operate or manage
20 [a]corrupt enterprise."¹¹ It also held that conspiracy liability is not
21 limited only to those who are liable for a substantive violation under
22 Section 1962 upon successful completion of the scheme. The court emphasized
23 that "one who opts into or participates in a conspiracy is liable for the
24 acts of his [or her] coconspirators which violate [S]ection 1962(c), even if
25 the defendant did not personally agree to do, or to conspire with respect to,
26 any particular element.". Under this standard, defendants can be held liable
27 for conspiracy if they knowingly agree to facilitate a scheme that includes
28 the operation or management of a RICO enterprise. (Smith, 247 F.3d at 538).

OFFICIAL PROCEEDINGS - Interference with and Tampering with a Witness In

- Dec 2020 5:20-cv-07828-NC Brent Oster et al v. State of California et al
- Jan 2020 3:20-CV-01125-JD Brent Oster vs Santa Clara County et al
- Jan 2020 20CV361372 Brent Oster vs Gomez Edwards law group LLP
- Oct 2019 19CV356322 Brent Oster vs Moreno Family Law Firm et al
- Dec 2019 19CV361036 Brent Oster vs Intero Realty, Rick Trevino, et al
- Dec 2019 19CV360805 Brent Oster vs Wells Fargo Bank, N.A. et al
- Sep 2017 17FL003843 Kathia Oster vs Brent Oster (divorce)

299. During the course of the pattern of racketeering by the defendant perons from 2017 to present, Plaintiff (Brent Oster), has been a party in all of the official proceedings listed above, from the dates listed - as a plaintiff in all but the divorce 17FL003843, where he was a respondent.

300. 19CV356322 (Brent Oster vs Moreno Family Law Firm et al), 20CV361372 (Brent Oster vs Gomez Edwards law group LLP), and 19CV361036 (Brent Oster vs Intero Realty, Rick Trevino, et al), and 19CV360805 (Brent Oster vs Wells Fargo Bank, N.A. et al) are all California State civil proceedings citing the defendants for violating state civil law and penal codes.

301. 3:20-CV-01125-JD (Brent Oster vs Santa Clara County et al), and 5:20-cv-07828-NC (Brent Oster et al v. State of California et al) are complaints in US District Court, Northern California. 3:20 was a joinder into 5:20 when 5:20 was filed in Dec 2020. They both cite violations of constitutional rights by the defendant parties acting under the color of law, but also cite the (Non-RICO) criminal acts of Hector Moreno, Joseph Tang, Marilyn Moreno,

1 Karl Nastrom, Shelley O'Brien, Natalie Gomez, Lauren Edwards, Rick Trevino,
2 and Intero Realty as context for the violations of civil rights and
3 justification for the damages caused by those violations, but the non-color-
4 of-law parties were not directly named as defendants, nor did any of the
5 causes of action name them or cite their actions.

6
7 302. Plaintiff is also a defendant in 3 criminal actions (F1869789,
8 F1870472, F1900464) brought against him in Sept 2018, Oct 2018, and Feb 2019
9 as a result of false reports of crimes by Plaintiff (Kathia Oster), Marilyn
10 Moreno, and Karl Nastrom, and by conspiracy with Marilyn's nephew, Michael H
11 Moreno, who was a DA prosecutor in the Santa Clara DA family violence unit at
12 the time) as detailed in this complaint. The criminal proceedings have still
13 not had a trial nor resolution, and plaintiff can only afford a public
14 defender represent him.

15
16 303. Despite having to be out of country 70% of 2018-2021 Plaintiff also did
17 as much reporting to Gilroy Police, San Jose Police, the Santa Clara DA, and
18 FBI (via the online tips, and mailing in reports as he could, as he was out
19 of country and could not go in person) during the time that these criminal
20 acts were being conducted against him in a pattern of racketeering, but he
21 was very limited in his ability to do so, being displaced from his home and
22 from the US, and from his computers, archived HDDs, and documents.

23
24 304. From the moment that J Hector Moreno started working with Plaintiff
25 (Kathia Oster) in late 2017 to file false police reports and a perjured DVRO
26 against Plaintiff (Brent Oster), Hector Moreno was committing these criminal
27 acts in a pattern of racketeering that he had practiced for years and those
28 criminal actions by Hector Moreno against Plaintiff in 2017 have been

1 leveraged till present by the operators of the racketeering enterprise to
2 interfere and tamper with Plaintiff as a witness in ALL active proceedings in
3 State and Federal Courts, and to retaliate against him for ANY and ALL
4 reporting to municipal police, County DA, State agencies and FBI, so these
5 instances of tampering, interfering, harassing against Plaintiff as a witness
6 cited in the complaint are all violations of 18 US Code § 1512, and so these
7 instances of retaliating against Plaintiff are all violations of 18 US Code §
8 1513 throughout this complaint.

9
10 305. At core, driving this malicious conduct, this interference, tampering
11 and retaliation by Hector Moreno, Marilyn Moreno, and the DA Office, with
12 other's conspiring against plaintiff - is Michael H Moreno. They were all
13 trying to conceal the fact that the DA had a prosecutor in the Family
14 violence unit that was Hector's son, Marilyn's nephew, that their DV-heavy
15 divorce tactics make this a conflict of interest, and a failure to screen by
16 the DA in his hiring, but also that Michael H Moreno was maliciously
17 prosecuting people in divorce proceedings for family violence crimes without
18 due process of law (770 cases from 2016-2018, nearly one a day) - (Exhibit A-
19 N), doing so in conspiracy with the counsel opposing those persons to commit
20 crimes of interfering and tampering with a witness, Extortion, and
21 retaliation. Plaintiff (Brent Oster) was exposing this misconduct, which
22 could expose Michael H Moreno, Hector Moreno, Marilyn Moreno, the Santa Clara
23 County DA Office and other conspirators to significant criminal and civil
24 liability (Exhibit A-M). Imagine 770 DV cases that became RICO cases like
25 this one. The racketeering enterprise exposed would be massive, and the
26 operators and conspirators could spend the rest of their lives in jail, while
27 the County sustains millions of dollars in damages in lawsuits. This is why
28 they needed to interfere and tamper with Brent Oster as a witness - to

1 retaliate, with lethal force if needed, to stamp out his lawful reporting,
2 his lawsuits and this RICO claim, so that it doesn't expose Michael H Moreno
3 and the racketeering enterprises that he was at the focus of. And Hector
4 doesn't want his son in Federal Prison for the rest of his life.

5
6 306. Because of the combined interference, tampering, harassment and
7 retaliation against Plaintiff (Brent Oster) as a witness by the defendant
8 parties, plaintiff is financially broke, living outside the US, with his only
9 financial support being family, and while he is litigating this action pro-
10 se, having his last possessions and a large amount of his evidence seized in
11 California and sold off because of the defendant's actions.

12
13 307. By the criminal acts of Fraud (deceit, concealment, perjury, false
14 reports of crimes, breach of contract/stipulation), Extortion(18 U.S.C. §
15 1951), Tampering with a Victim or Witness, Retaliation against a witness, and
16 Money Laundering (18 U.S. CODE § 1956, 1957) the operators of the
17 Racketeering Enterprise and their conspirators, consisting of the defendant
18 persons, deprived plaintiffs' Brent Oster and Kathia Oster of \$1.3M in
19 property by Extortion, depleted Plaintiffs' retirement savings (\$360,000) by
20 their criminal acts, and cost them each 3 years of lost wages and other
21 damages because their lives were so disrupted by the criminal acts of the
22 operators of the enterprise acting in a racketeering pattern.

23
24 308. For decades, Hector and Marilyn Moreno have been front and center of
25 managing a Racketeering Enterprise of staggering proportions, with a pattern
26 of predicate crimes affecting hundreds of individuals, to deprive them of
27 property through Extortion and other unlawful means and then Laundering it
28 for distribution to the operators of the Enterprise. Now they pay.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Predicate RICO Crimes

Extortion (18 U.S.C. § 1951)

Tampering with a Victim or Witness (18 U.S. CODE § 1512)

Retaliation against a Witness (18 U.S. CODE § 1513), and

Money Laundering (18 U.S. CODE § 1956, 1957)

1. From 2017 to present, the defendant person operating the Enterprise and conspiring with the Enterprise committed predicate crimes of Fraud (deceit, concealment, perjury, false reports of crimes, breach of contract / stipulation), to achieve Tampering with a Victim or Witness, Retaliation against a witness, Extortion(18 U.S.C. § 1951), and Money Laundering (18 U.S. CODE § 1956, 1957) and/or conspiring and colluding (18 U.S. CODE § 1961(d)), with the other operator/managers of that racketeering Enterprise and with external parties to defraud plaintiffs of over \$2M of property and assets for the financial gain of those operating the Enterprise.

2. Hector Moreno - para 67, 99-103, False Report to Police, Tampering with a Victim or Witness (18 U.S. CODE § 1512) in a pattern of Racketeering, 5 Sept 2017, 13 Sept 2017

3. Hector Moreno - para 104-113, Perjury and Tampering with a Victim or Witness (18 U.S. CODE § 1512(b)(c)(d)) in a pattern of Racketeering and Retaliating against a Witness (18 U.S. CODE § 1513 (e)) in a pattern of Racketeering, 14 Sept 2017

1 4. Marilyn Moreno, Karl Nastrom - para 122-125, False Reports to Police,
2 Tampering with a Victim or Witness (18 U.S. CODE § 1512) in a pattern of
3 Racketeering, 11 April 2018.

4
5 5. Karl Nastrom - para 126-129, Perjury, Tampering with a Victim or
6 Witness (18 U.S. CODE § 1512) in a pattern of Racketeering, 11 Jun 2018.

7
8 6. Marilyn Moreno - para 130-133, Extortion (18 U.S. CODE § 1951) in a
9 pattern of Racketeering, 29 May 2018

10
11 7. Marilyn Moreno, Karl Nastrom 134-139, False Reports to Police,
12 Tampering with a Victim or Witness (18 U.S. CODE § 1512) in a pattern of
13 Racketeering, 11 April 2018, 19 Jul 2018, 26 Jul 2018, 30 Aug 2018

14
15 8. Marilyn Moreno, Karl Nastrom, Shelley O'Brien, para 134-164, False
16 Reports to Police, Perjury, Reckless Endangerment, Tampering with a Victim
17 or Witness 18 U.S. CODE § 1512 in a pattern of Racketeering, Retaliation
18 against a witness 18 U.S. CODE § 1513 in a pattern of Racketeering, Aug 2018
19 - March 2019.

20
21 9. Marilyn Moreno, Karl Nastrom, para 165-177, Extortion (18 U.S. CODE §
22 1951) in a pattern of Racketeering, Nov 2018, Jan 2020.

23
24 10. Hector Moreno, Joseph Tang, Marilyn Moreno, Karl Nastrom, Shelley
25 O'Brien, para 99-185, False Reports to Police, Perjury, Tampering with a
26 Victim or Witness (18 U.S. CODE § 1512), Retaliation against a witness (18
27 U.S. CODE § 1513), and Extortion (18 U.S. CODE § 1951) in a pattern of
28 Racketeering, Aug 2018 - March 2019.

1
2
3 11. Natalie Gomez, Lauren Edwards - para (226-228, 231-236) Perjury, False
4 reports of Crimes, Tampering with a Victim or Witness (18 U.S. CODE § 1512)
5 in a pattern of Racketeering, April 2019 - June 2020, 28 Aug 2019.

6
7 12. Natalie Gomez, Lauren Edwards - para (213 - 214, 231-236), Perjury,
8 Retaliation against a Victim or Witness (18 U.S. CODE § 1513) in a pattern
9 of Racketeering, April 2019 - June 2020, 28 Aug 2019.

10
11 13. Natalie Gomez, Lauren Edwards, para 229-230 Extortion (18 U.S. CODE §
12 1951) in a pattern of Racketeering, April 2019 - June 2020.

13
14 14. Natalie Gomez, Lauren Edwards, para 237-239, Bank Fraud (18 U.S. Code §
15 1344) in a pattern of Racketeering, Nov 2019 - June 2020.

16
17 15. Rick Trevino, para 271-275, committed criminal Perjury and a crime of
18 Tampering with a Victim or Witness (18 U.S. CODE § 1512) in a pattern of
19 Racketeering, and Retaliation against a Victim or Witness (18 U.S. CODE §
20 1513) in a pattern of Racketeering. Dec 2020 - Aug 2020.

21
22 16. Rick Trevino, para 276-279, committed a violation of (18 U.S. CODE §
23 1512) in a pattern of Racketeering, by moving plaintiff's belongings from
24 his house, into storage and forging plaintiff's signature on the contract.
25 Plaintiff could not pay the contract fees and lost much of his belongings
26 (and documents and evidence for these cases). Aug 2020.

1 17. Rick Trevino, Intero Real Estate Services, Intero Corporate governance
2 (Christopher Moles, Brian Crane) and corporate counsel (Heather Wang), para
3 280-287, committed a crimes of Money Laundering (18 U.S. CODE § 1956, 18
4 U.S. CODE § 1957) in a pattern of Racketeering, Aug 2020 - Oct 2020.

5
6 18. Plaintiffs pray for relief.

7
8
9 **SECOND CAUSE OF ACTION**

10 **PATTERN OF CRIMES BY RACKETEERING ENTERPRISE**

11 18 U.S. CODE § 1962(c)

12
13 19. From 2017 to present, the defendant persons managing/operating the
14 Enterprise and conspiring with the Enterprise conducted the affairs of the
15 Enterprise through a pattern of racketeering 18 U.S. CODE § 1962(c) to
16 commit Extortion and defraud plaintiffs of over \$2M of property and assets
17 for the financial gain of those operating the Enterprise.

18
19 20. Explicit evidence of the racketeering pattern in violation of (18 U.S.
20 CODE § 1962(c)) in Plaintiffs' case by The Law Firm of J Hector Moreno,
21 Hector Moreno, and employees, The Moreno Family Law Firm, Marilyn Moreno and
22 employees is evidenced in paras 68-93 and 94-185 and in the exhibits
23 referenced from those paragraphs, Sept 2017 - March 2019.

24
25 21. Explicit evidence of the continuation of this racketeering pattern in
26 violation of (18 U.S. CODE § 1962(c)) in Plaintiffs' case by The Gomez
27 Edwards Law Group, Natalie Gomez, Lauren Edwards and their employees is
28

1 evidenced in paras 223 - 246 and in the referenced exhibits, April 2019 -
2 June 2020.

3
4 22. Explicit evidence of the active criminal participation in this
5 racketeering pattern in violation of (18 U.S. CODE § 1962(c)) in Plaintiffs'
6 case by pro tem 'judge' Sharon Roper is evidenced in paras 225-240 and in
7 the referenced exhibits, Apr 2019 - Aug 2020.

8
9 23. Explicit evidence of the active criminal participation in this
10 racketeering pattern in violation of (18 U.S. CODE § 1962(c)) in Plaintiffs'
11 case by Rick Trevino and Intero Real Estate is evidenced in paras 247-267,
12 Dec 2019 - Aug 2020.

13
14 24. Statistical evidence for all 148 cases litigated by Hector and Marilyn
15 Moreno from 2016-2018 is shown in Exhibit A-A, and records for specific
16 cases with a similar pattern as plaintiff's (reported to FBI) are show in
17 Exhibit F. Testimony of the racketeering pattern and these predicate crimes
18 from the divorce file of Tom Sorri and Kathia Sorri (Oster/Portuguz) in
19 Exhibit D, and Jennifer Ninan in Exhibit I, and a full description of their
20 pattern and tactics is given in paras 68-93, all showing the same
21 racketeering pattern by Hector and Marilyn Moreno of fraud (Perjury, False
22 Police Reporting) being used to interfere and tamper with witnesses, to put
23 them in fear and Extort Property from them, retaliating with fraudulent
24 criminal charges and permanent DVROs if the opponent would not give in.

25
26 25. This racketeering enterprise is a well-oiled machine whose operators
27 have experience operating together to commit these predicate crimes in a
28 pattern of racketeering. They all conspire and communicate, as any

1 information give to one individual always reached the others. When one
2 individual or group was pushed on, they acted to protect each other's mutual
3 criminal interests, and interfered and tampered with any witnesses that
4 tried to testify against them, then viciously retaliated against them
5 afterward, making false reports of crimes and bringing malicious
6 prosecution.

7
8 26. Plaintiffs pray for relief.

9
10
11 **THIRD CAUSE OF ACTION**

12 **CONSPIRACY TO COMMIT RICO OFFENCES**

13 18 U.S. CODE § 1962(d)

14
15 27. From 2017 to present, defendant persons conspired with the
16 operators/managers of the Enterprise to conduct the affairs of the
17 Enterprise through a pattern of racketeering 18 U.S. CODE § 1962(c) to
18 defraud plaintiffs by Extortion of over \$2M of property and assets for the
19 financial gain of those operating the Enterprise.

20
21 28. Michael H. Moreno, para 193-212, Conspired (18 U.S. CODE § 1962(d))
22 with Marilyn Moreno, Hector Moreno, in crimes of Perjury, Tampering with a
23 Victim or Witness (18 U.S. CODE § 1512), Retaliation against a witness (18
24 U.S. CODE § 1513), and, Extortion (18 U.S. CODE § 1951) in a pattern of
25 Racketeering 18 U.S. CODE § 1962(c), Aug 2018 - March 2019.

26
27 29. Judge Julie Emede and other court employees acting under color of law
28 conspired, in violation of 18 U.S. CODE § 1962(d), with Marilyn Moreno, and

1 Shelley O'Brien, in crimes of Perjury, Tampering with a Victim or Witness
2 (18 U.S. CODE § 1512), Retaliation against a witness (18 U.S. CODE § 1513),
3 and, Extortion (18 U.S. CODE § 1951), 17 Sept 2018, 5 Dec 2018 in a pattern
4 of Racketeering (18 U.S. CODE § 1962(c)), para 189-198, para 212-221

5
6 30. Real Estate Pro Tem 'Judge Roper' para 247-267, committed multiple
7 violations of 18 U.S. CODE § 1962(d), conspiring with Natalie Gomez, Lauren
8 Edwards, Rick Trevino, and Intero in their crimes of Perjury, False reports
9 of Crimes, Tampering with a Victim or Witness (18 U.S. CODE § 1512),
10 Retaliation against a Victim or Witness (18 U.S. CODE § 1513), Extortion (18
11 U.S. CODE § 1951), and Money Laundering, (18 U.S. CODE § 1956, 18 U.S. CODE
12 § 1957) April 2019 - Oct 2020.

13
14 31. Rick Trevino, his senior management and senior counsel, and Intero Real
15 Estate Services, para 240-256, criminally conspired in violation of (18 U.S.
16 CODE § 1961(d)) to aid and abet the racketeering pattern of crimes (18 U.S.
17 CODE § 1961(c)) by the other operators of the enterprise, including
18 Tampering with a Victim or Witness (18 U.S. CODE § 1512), Retaliation
19 against a Victim or Witness (18 U.S. CODE § 1513), Extortion (18 U.S.C. §
20 1951), and Money Laundering, (18 U.S. CODE § 1956, 18 U.S. CODE § 1957). Dec
21 2019 to Oct 2020.

22
23 32. Plaintiffs pray for relief.
24
25
26
27
28

FOURTH CAUSE OF ACTION

VIOLATIONS OF CONSTITUTIONAL RIGHTS

Second Amendment

Fourth Amendment

Sixth Amendment

Fourteenth Amendment

33. The defendants persons and agencies acting under the color of law for Municipal, County and State agencies named in this action, by their actions, omissions, and/or aiding and abetting of others' actions violated and continue to violate Plaintiffs' 2nd, 4th, 6th, and 14th Amendment Constitutional rights, including defendants: Judge Julie Emede, Judge Thomas Kuhnle, Temp Judge Sharon Roper, County Of Santa Clara, Santa Clara County Sheriff's Office, South County Criminal Court, DOE 1-5 Criminal Judges, Santa Clara County District Attorney, Michael Moreno(DA Prosecutor), Murat Ozgur (DA Prosecutor), DOE 11-20 DA Prosecutors, all acting under the color of law for their respective governing bodies.

34. County of Santa Clara, District Attorney of Santa Clara, South County Court and employees acting under color of law, para 193-212, Violation of 4th Amendment, 6th Amendment, 14th Amendment, Aug 2016 to present.

35. Family Justice Center, Judge Julie Emede and other employees acting under color of law, para 213-198, committed multiple violations of 6th Amendment, 14th Amendment Rights, 17 Sept 2018, 5 Dec 2018.

36. Family Justice Center, Judge Thomas Kuhnle and other employees acting under color of law, para 223 - 227, committed multiple violations of 4th

1 Amendment, 6th Amendment, 8th Amendment 14th Amendment Rights, 30 Jan 2020,
2 23 Jun 2020.

3
4 37. Real Estate Pro Tem 'Judge Roper' para 247-267, committed multiple
5 violations of Plaintiff's 4th and 14th Amendment Rights. April 2019 - June
6 2020.

7
8 38. By their actions, these defendants acting under the color of law either
9 conspired with the operators/managers of the Enterprise, aiding and abetting
10 them in their criminal acts towards Plaintiffs, or at best showed deliberate
11 indifference in their violation of Plaintiff's Constitutional Rights, even
12 when informed of the criminal acts by the other parties, and that their
13 indifference and lack of intervention willfully allowed the Plaintiffs to
14 come to harm.

15
16 39. Plaintiffs pray for relief.

17
18 **FIFTH CAUSE OF ACTION**

19 **DISCRIMINATION**

20 42 U.S. Code §12132

21
22 40. Brent Oster is a qualified individual with a disability and was denied
23 the benefits of the services, programs, or activities of the County of Santa
24 Clara and City of Gilroy, including by the DA, Police, by being denied
25 investigation of crimes that he reported and other services they should have
26 provided to him as a victim of domestic violence and as a victim of State
27 and Federal crimes. Instead he was subjected to discrimination, ridicule,
28

1 wrongful and malicious prosecution, excessive force, and he was subjected to
2 discrimination by all of these entities, simply because of his disability.

3
4 41. Plaintiff prays for relief.

5
6
7 **DAMAGES**

8
9 42. Plaintiff Brent Oster and involuntary Plaintiff Kathia Oster/Portuguez
10 claim the following damages:

11
12 a) \$10,000 in property seized by Gilroy PD and Santa Clara PD in Sept 2017
13 that was 'disposed of' in violation of 2nd Amendment and 4th Amendment

14
15 b) Loss of property of \$360,000 in savings and retirement

16
17 c) Loss of property of a \$1.3M house in Gilroy CA

18
19 d) \$40,000 Loss of all the personal belongings of Plaintiff, moved from
20 that home into Storage (by defendants) that he could not afford, and
21 forfeited at auction.

22
23 e) Lost past earnings for 3 years since 2017: \$600,000 for Brent, \$300,000
24 for Kathia

25
26 f) Future loss of another year earnings: \$200,000 for Brent, \$100,000 for
27 Kathia.

1 g) Reduced earning capacity for 5 years: \$500,000 for Brent, \$250,000 for
2 Kathia.

3
4 h) Loss of use of the Gilroy Home for 3 years because of the contention
5 over it, with threats of lawyers and/or police removing people from it
6 and/or arresting them: \$5500 x 36 months (Sept 2017 - Aug 2018) =
7 \$198,000.

8
9 i) Loss of use of San Jose House - Kathia was afraid to use the San Jose
10 rental home because she was deceitfully told by the Moreno attorneys if
11 she lived there, Brent knew the location and would come there to kill
12 her, when they knew these assertions not to be based in fact: \$3500 x
13 36 months = \$126,000.

14
15 j) Brent has to pay penalties on early withdrawal of \$360,000 of
16 retirement funds (above in loss of property) which he had to withdraw
17 to pay for their tripled living expenses and massive legal expenses
18 during this proceeding: \$126,325

19
20 k) Interest on all the preceding monetary damages from not having the
21 monies since 2017 (6%): \$546,000

22
23 l) Physical and emotional pain and suffering = \$1,000,000 Brent,
24 \$1,000,000 Kathia

25
26 m) Exacerbation of existing Medical Conditions and Disabilities. Both
27 Kathia Oster and Brent Oster suffer from ADA recognized disabilities
28 under Federal Code 12132 that were greatly exacerbated and became

1 debilitating because of the wrongful actions of the Moreno Attorneys
2 and failure to intervene by the Defendants - exacerbations that
3 Plaintiffs' will suffer from for decades: \$500,000 Brent, \$500,000
4 Kathia

5
6 n) There are also intangible damages that are difficult to estimate long
7 term from losing all their financial security, their credit ratings,
8 and their support systems so late in life, now having to rebuild their
9 lives from nothing in their 50s.

10
11 43. This was a Racketeering Enterprise, committing a pattern of predicate
12 crimes that resulted in these damages, taking from Plaintiff his retirement,
13 his home, his vehicle, his ability to earn an income, and charging him with
14 false crimes, turning him into an impoverished refugee, fleeing from this
15 persecution.

16
17 44. When he met Kathia in 2008, Brent paid off all the Moreno Attorneys
18 bill (\$47,000) from her first divorce, which they were just finishing for
19 Kathia, in which they had also convinced her that her first husband (Tom)
20 was coming after her to kill her - so they got a DVRO to 'protect her' and
21 to Extort a house from him. She was psychologically and emotionally
22 devastated and had paranoid ideations about her ex-husband for years. Brent
23 spent the next 8 years loving her, helping her live again, and trust again,



1 taking her to Yosemite to camp, Tahoe to teach her to snowboard, to Paris,
2 and many other places to be a tourist and to practice her love of
3 photography. She learned to smile and laugh again and started worrying less
4 and less about her first ex-husband and his nefarious plans she imagined.
5 She was almost a whole person again.

6
7 45. The Moreno attorneys do not just steal money and assets with their
8 racketeering activities, they steal lives. Some people like Kathia are more
9 psychologically susceptible (because of her disability), and the lies and
10 deceits the Morenos told her and got her to participate in (twice) - damaged
11 her for life this time. Kathia will never have a normal life, nor
12 relationship again and will always be in fear of her two ex-husbands coming
13 to harm her from now on, despite there being zero danger. She will not be
14 able to ever work again and will be dependent on the award of damages from
15 this lawsuit to live on for the rest of her life, as she is probably without
16 funds to live on as of the time of this filing.

17
18 46. With their actions against Brent Oster, the Defendants parties acting
19 under the color of law did NOT bring help, support, not protection for
20 Kathia, they brought more harm than they could imagine. They had many
21 reasonable opportunities to intervene and stop the malicious prosecution and
22 prevent this tragedy, but simply refused to do so, and by their wrongful
23 actions and non-intervention, willfully failed to keep her from harm and
24 destroyed her life, and they are liable.

25
26 47. Plaintiffs pray to this court to hold the Defendants joint and
27 separable liable for the actual damages caused by their actions and
28 omissions towards plaintiff Brent Oster and involuntary plaintiff Kathia

1 Oster (Portuguez) for the sum of \$10,000,000 USD, the amount by which they
2 were directly injured in their property by the conduct of the defendant
3 parties (constituting the violations listed in this complaint and in the
4 causes of action), as the plaintiff's injury directly flows from the
5 commission of the predicate acts, especially of Extortion.

6
7 48. Under 18 U.S. Code § 1964(c) Plaintiffs were injured in their persons
8 and property by reason of violations of RICO, section 18 U.S. CODE § 1962(c)
9 & 18 U.S. CODE § 1962 (d) of this chapter and may sue therefor in any
10 appropriate United States district court and shall recover threefold the
11 damages they sustained and the cost of the suit, including a reasonable
12 attorney's fee.

13
14 49. Therefore, plaintiff prays to the US District Court for total monetary
15 relief, of \$30,000,000, to be paid as \$15,000,000 to Brent Oster and
16 \$15,000,000 to Kathia Oster(Portuguez) for the damages from the defendants
17 actions and omissions, who by their combined wrongdoing, destroyed both the
18 lives of Kathia and Brent Oster and left them both broke, homeless, and
19 without hope of a future at age 50. Plaintiff prays to the court to give
20 them both a chance to have a future again by this relief of monetary
21 damages.

22
23 50. Plaintiffs ask they both be granted declarative relief affirming their
24 constitutional rights, and that any State orders (and/or State charges based
25 on them) in violation of those rights or resulting from the crimes of the
26 defendants against either of them be ordered vacated.

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2 were directly injured in their property by the conduct of the defendant
3 parties (constituting the violations listed in this complaint and in the
4 causes of action), as the plaintiff's injury directly flows from the
5 commission of the predicate acts, especially of Extortion.

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24 constitutional rights, and that any State orders (and/or State charges based
25 on them) in violation of those rights or resulting from the crimes of the
26 defendants against either of them be ordered vacated.

1 51. Plaintiff asks the US District Court for a Mandatory Injunction that
2 compels the State Bar of California to investigate Marilyn Moreno and Hector
3 Moreno for violations of the Attorney Code of Conduct in Plaintiffs' case,
4 focusing on the violations highlighted in this complaint.

5
6 52. Plaintiff asks the US District Court for a Mandatory Injunction that
7 compels the Santa Clara DA Office to investigate Marilyn Moreno, Hector
8 Moreno, and Michael Moreno for the State crimes they committed against
9 plaintiffs.

10
11 53. Plaintiff also asks the US District Court to authorize the FBI / DOJ
12 and Attorney General Office to investigate the Federal crimes by the
13 defendant persons he has highlighted in this complaint, specifically the
14 RICO crimes.

15
16 54. Because the specific facts in this complaint clearly show that the
17 Moreno Attorneys have a past pattern of vicious intimidation, retaliation
18 and disregard for laws and due process, both Plaintiffs face immediate and
19 irreparable injury, loss, or damage that will result as a result of future
20 retaliation before the adverse party can be heard in opposition.

21
22 55. Plaintiff (Brent Oster) asks the US District Court for a Restraining
23 Order (under 18 U.S. Code § 1514) preventing any of the Moreno Attorneys
24 from acting against either him or Kathia Oster, either directly or through
25 any other parties in any way, and that the Moreno Attorneys be restrained
26 from contact with both Plaintiffs physically and restrained from any means
27 of communication with them.

1 56. Previously, California State Courts, the Santa Clara County DA, and the
2 Municipal Police never took any actions to protect Plaintiffs against the
3 actions and crimes of the defendants, and it is questionable if those
4 agencies will properly enforce such a TRO from the US District court. As
5 such, Plaintiff (Brent Oster) asks the US District Court to grant him
6 temporary and limited scope privileges to assume any violations of the TRO
7 are to either place Plaintiffs (1) in imminent danger of death or serious
8 injury, or (4) to cause serious offenses and damage to property against
9 plaintiffs, and to allow Plaintiff (Brent Oster) to act according to 32 USC
10 632.4(a)(1)&(4) against the Moreno Attorneys and/or any persons acting on
11 their behalf that so violate this order.

12
13 57. Plaintiff Brent Oster asks the US District Court to order USCIS to
14 immediately approve the Green Card for his wife, Ada Caceres, as the
15 wrongdoing by the Defendant parties caused Plaintiff to have to cancel her
16 K1 visa in 2019 due to the charges against him not being tried in a timely
17 manner, and to postpone getting her Green Card in 2020 when he was evicted
18 from his house, had it taken from him and sold, and had no assets or income
19 to prove he could support her.

20
21 58. The court and Jury have a very important decision to make - will they
22 California tolerate criminal racketeering behavior by such persons:
23 Attorneys licensed by the state blatantly violating the terms of their Bar
24 license and committing State crimes of fraud, perjury, false reports of
25 crimes and federal crimes of interfering and tampering with witnesses who
26 try to oppose their fraud. Tolerating such criminals conspiring with family
27 court judiciary and Fortune 500 realtors to commit crimes of extortion,
28 real-estate fraud and of money laundering, stealing people's lives

1
2 59. Or should these criminals be treated for what they are and these
3 persons prosecuted and held civilly liable under RICO as they are supposed
4 to be by law.

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6 Brent Oster

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9 8/19/2021
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